

**A  
R E V I E W  
OF  
DR SHERLOCK'S Case of Allegiance:  
WITH AN  
A N S W E R  
TO HIS  
V I N D I C A T I O N .**

*Too much learning for  
but some to learn*

A  
R E V I E W  
O F  
D. SHERBROOK'S Case of Allegiance:  
WITH AN  
A N S W E R  
T O H I S  
V I N D I C A T I O N.



A  
R E V I E W  
O F  
Dr. Sherlock's  
CASE of ALLEGIANCE  
due to Sovereign Powers, &c.  
WITH AN  
A N S W E R  
TO HIS  
VINDICATION of that CASE.

IN WHICH

Bishop Overal's Convocation-Book, is *Arraign-  
ed*; the Doctor's Self-Contradiction, and  
Fallacy of Argument *Detected*;

And from the whole proved,

That neither the Church of *England*, nor the  
*Present Government*, are beholden to him.

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LONDON: Printed in the Year, 1691.

R E V I E W

Dr. Sherlocks

CASE OF ALLEGED  
due to Governor Powers, &c.

A N S W E R

TO HIS

VINDICATION of that CASE

IN WHICH

Bishop O'Connell's Controversy with  
the Doctor is fully considered  
in the History of the Argument

And from the whole proved

That neither the Church of England nor the  
Present Government are indebted to him

LONDON: Printed by the Author.

(To the REVEREND

THE

# MASTER of the TEMPLE.

SIR,

**I** T was my Fortune, as I pass'd St. Paul's Church-Yard, the Third of November last, to meet a Book (then wet from the Press) intitled, The Case of Allegiance due to Sovereign Powers, &c. and, as casually returning the same Afternoon, to find (at least the Title-Page) reprinted, as a Second Edition, 1691. And when I saw there was neither Picture nor Rhime before it, that might thus occasion a Second Impression, within the compass of Three Hours, I began to think, there was something more than ordinary in it, and so took it with me: But when I came to examine it, the Name of Dr. Sherlock had so possess'd me, that I began to enquire, whether there were Two Dr. Sherlocks? And was thus answer'd, That whether there were or not, there was a Gentleman (meaning your self) whose whole Course of Life, Studies, Interest, were so interwoven with the Doctor's, that he would readily

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salve

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salve any Thought of mine concerning it, or at least, represent it to him. ~~And this~~ (I say) is the single Reason why I thus address to you; as willing to be satisfy'd, whether you believe the Doctor's writing this Book was all pure Conscience? Or, whether there were not more of the Loaves, than the Doctrine in it? Because, near the very beginning of his Preface, he speaks of the Forfeiture of all his Preferments, by refusing the Oath, which he had lost for ever; had not the Government been more mild and gentle to him in it: Which seems to me meer Interest; in that, had he taken the Oath, and not retaken his Preferments with it, I must have confess'd it, to have been pure Conscience: And yet, to make it as easie as I can, I think he wanted not some Precedents in the Case; those (I mean) that swallow'd the Covenant in the Rump-Parliament's Time, and a Bishoprick after it, upon the King's Restoration.

The next thing your Friend says, is, That while he refus'd to take the Oaths, he never made it his business to dissuade Men from it: When his Opinion was ask'd, he deliver'd his own thoughts, but never sought to make Proselytes; As deeming the taking them to be against his Conscience. But how then did he satisfy the  
Obligation



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Obligation of a Pastor, when he refus'd his Flock to do that, which in Conscience he thought to be an ill thing, and not fit to do himself? With this further (as to the delivering his Thoughts) whether in the Company of some Divines or others, his Opinion, touching the present Matter, being demanded, and Bishop Overal's Convocation-Book urg'd in defence of it, that he did not answer it, came not up to the Case, or Words to that purpose; because if he did, the Stone which he then refus'd is now become the Head of his Corner; and if he did not, I must do him this Justice, to say, he is forwardly belied.

However, whether he did or not, he pray'd for King William and Queen Mary by Name, according to the Apostle's Direction, to pray for all that are in Authority, which they visibly were; with this Caution nevertheless (which I find in his Book, though not in the Apostle) Page 17. That he took care to do it in such terms as not to pray against the dispossessed Prince: And chose rather, highly to offend some, than separate from others. And truly (Sir) during all this time, your Friend may be said to have been consulting with his Staff: On the one hand, lay Conscience; on the other, Preferments, not without hopes of better; the Staff fell to

# To the Master of the Temple.

the safer Side, and Conscience wisely acquiesc'd in Providence.

Nor do I think I am much out in it ; how far I may be, even himself be Judge, when he says, He did not refuse the Oaths out of any Fondness for the Government of King James, nor Zeal for his Return, which the present Prospect of Affairs gives no Man any reason to wish ;

Page 18. because, as he says in his Book, his Power is broken, and there is no visible Prospect of his recovering his Throne again : But out of pure Principles of Conscience, to comply with the Obligations of his former Oaths, and that Duty which Subjects owe to their Prince, which he then apprehended irreconcilable with the new Oath. But now that the Doctor's Conscience is at rest, or if it should wake again, the World is too noisy to have it heard, be pleas'd (Sir) to ask him, why he gives no other Reason of his so long dissatisfaction, than, If Reasons were never so plentiful with him (i. e. as cheap as Blackberries) he thinks it not worth the while to gratifie a Curiosity : When yet Mr. Chillingworth, upon his going off to the Church of Rome, lest the Reasons of his dissatisfaction on his Study Table, and when he came back to the Church of England, answer'd them himself ; but never (that

## To the Master of the Temple.

(that I heard) took any Preferment after it, that he might not be thought to have done it for Interest. But alas! alas! the World is alter'd, since Cereus & Baccho forget, &c. and therefore, let the Doctor say what he will, That what he has thus written, was for our sakes, for my part, I should have thought it had been for his own; had he not brought in Religion as a Party, in saying, We live in an Age of great Profaneness and Infidelity, which is ready to take all Occasions to reproach Religion, and expose it as a Cheat and Imposture; and to neglect no opportunity to blacken the Clergy, as Men of no Faith nor Religion themselves, though they make a great noise about it, to serve their own Interests, &c. But pray (Sir) what does your Friend mean by this Anticipation? Has any Man trod on his Corns? Or is he afraid they may, that he cries (oh!) before he is touch'd? That it is a Profane Age, who doubts it? But can he shew me the Age that was not so? All of them had a kind of rotten Cough, more or less; and if we may believe Boccaline, were born with it. Mores, Cæcilliane, &c. has been an old Disease; yet if every Man would but mend one, I think the Cure might be easily effected: as also (perhaps) that other of Infidelity; if while  
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Jer. 5.  
31.

Men stand damning one another (with as much Uncharity as Ignorance; they would but soberly sit down, and agree the Credenda. And being so, what wonder if Religion has been so often expos'd to Reproach; especially, when it fares with us, as with the Jews of Old, The Prophets had prophes'd a lye (before) the People lov'd to have it so. And truly, we come near after a time, when Religion was made the common stale to every thing: The Rebellion of 1642 was founded in that Name; and O. Cromwell was seeking God at St. James's, while his Journey-men were murdering their Sovereign at Whitehall. And since it has been foretold us, Offences will come, how ought every Man to have a Care that they come not by him? More especially, that they come not from the Clergy, in that it blackens too much, without any additional Scandal: Or otherwise, I shall hold those lying Prophets among the Jews, and those others of our late Times excusable. And what have we to do with them (if yet any such are to be had now) that put on Religion as a Cloak, not a Garment; and for their Faith believe in God, but dare not trust in him: Believe God can spread a Table in the Wilderness, but for fear he should not, timely provide for themselves: Some, I must confess, would call it Interest,



## To the Master of the Temple. (vi)

terest, whereas others, and those the wiser in their Generation, incline to that of the Apostle, He that provides not for his own, has denied the Faith, and is worse than an Infidel.

But still (Sir) your Friend seems uneasie to himself, as doubting, whether what he had offer'd in Justification now may serve turn, unless he give a good Reason, why he did not comply before: and yet salves it so loosely and shufflingly, in saying, No Man is forbidden to grow wiser; nor that he is asham'd to own, that he is still a Learner; and hopes he shall be so as long as he lives; that even your self would hardly believe he truly meant what he said: Young, brisk Men may improve by Study and Conversation, but a hopeful grey Beard, or dry Brain, I never yet heard of; with this only, that a better prospect of Affairs, may make them the apter to unlearn all again.

In a word (Sir) I have laid before you my Thoughts, of your Friend's Preface, saving, that I have wholly omitted Bishop Overal's Convocation-Book; because I have spoken to it, Page 3, 4. and in the Answer to the Doctor's Vindication, Page 45. have further enlarged on it, to which I refer you: With this further, That you'll please to take notice, that my intent in answering this Vindication,

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tion was not to mix in the Dispute, to which the Doctor replies, but to the end, that where your Friend had brought new Matter I might examine it, and where he had not, that I might direct my Reader to the Page where I had before answer'd it; and for his new Matter, answer it in its proper place, which I have at least endeavour'd; and am,

SIR,

Your Humble Servant.

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# A R E V I E W

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Dr. *Sherlock's* Case of Allegiance, &c.

**S** *I C calco fastum Platonis*, was the Cynick's Demonstration, when (leaping with his dirty Shooes on *Plato's* Persian Carpets) he bluntly refuted him, then reading against Motion; and may be any Man's answer to the present Case (how plainly soever, the Doctor says, he has stated it) that shall but consider, how he has perplex'd it himself, with false Principles, worse Deductions, and from one Hypothesis to another, given that for granted, that should have been first prov'd: a kind of easiness of the Pen (I must confess) and best agreeable with the Multitude, who, as they swallow every thing without chewing, cry up nothing, but what they least understand.

But because no Man is bound to believe me, more than I believe the Doctor, it is but reasonable on my part, that I make out my assertion, and leave it to the indifferent World to judge between us. In order to which, I shall take him as I find him, from Section to Section, and begin with his first, which (in a manner) is the substance of the whole: And here the Doctor new primes his Cloth, that having wash'd our, what he had formerly painted on it, he may render it the more capable of any new Impression, still keeping his Integrity, *i. e.* his Spiritual Promotions. To this purpose, he endeavours to efface that old Principle,

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## A REVIEW of

That *Allegiance* is due, only to a *Legal Right*; and which (saith he) if it be false, there's an end of the dispute; and instead thereof, lays down these others, viz.

If *Allegiance* be due, not for the sake of *Legal Right* but *Government*.

If it be due not to bare *Legal Right*, but to the *Authority of God*.

If *God* when he sees fit, and can better serve the ends of his *Providence* by it, sets up *Kings*, without any regard to *Legal Rights*, or *humane Laws*.

If *Kings* thus set up by *God*, are invested with *God's Authority*, which must be obeyed, not only for *Wrath*, but *Conscience* sake.

If these Principles (which (if) yet implies an uncertainty) be true, &c. Then, when *God* transfers *Kingdoms*, and requires our *Obedience*, and *Allegiance* to a new *King*, he necessarily transfers our *Allegiance* too: With this further, That it is what the generality of *Mankind*, from an inward Principle of *Self-preservation*, have always done, and will always do; That they have reason to wish it to be true, and to be glad to see it well proved.—

— However 'till he comes to do it, I take leave to say, his first Proposition is false: His second, I grant him, with a distinction, and this proviso, That we have a certain knowledge that *God* interposes his Authority, (as in the case of *David*, against the *Sons of Saul*) if we have no such knowledge, our *Allegiance* is due to the *Legal Right*, because a *Legal Right* is the only reason, and foundation of our *Allegiance*: But our *Allegiance* is not due to *God's Authority* if usurp'd; where *God's Will* is only permissive, not positive, his concurrence, being only to the materiality, not formality of the Act: the third is true the fourth, is answered as the second.

And this (says the Doctor) he'll endeavour to do, from the Authority of *Scripture*, *Reason*, and the *Doctrine and Principles* of the *Church of England*.

In the examining of all which, as the Doctor (page 2) thought it not fit to justify the *Legality* of the late *Revolution*, I also (to use some other of his own words) without disputing the *Right of Princes*, a thing which no *Government* can permit to be a question among their *Subjects*, shall endeavour to prove, that these the Doctor's new Principles, are contrary to *Scripture*, *Reason*, the *Doctrine and Principles* of the *Church of England*, his own former



mer Doctrine, and manifestly destructive to the present Government.

*The Doctor's second Section.*

*The Doctrine of the Church of England in this point, as it is taught in Bishop Overal's Convocation-Book.*

**T**HE Church of England (saith he) *has been very careful to instruct her Children in their Duty to Princes; But she hath wish'd taught,* "That all Sovereign Princes (whatever their Legal Right be, whether by bringing any Country into their Subjection, or disloyal Subjects by their rebellious rising against their natural Sovereigns) when they have established any other degenerate form of Government among their People, the Authority either so unjustly gotten, or wrung by force, from the true and lawful Possessor, is always God's Authority, and (when any such alterations are thoroughly settled) to be reverenc'd and obeyed, and the People of all sorts are to be subject to it, not only for Wrath, but Conscience sake. And this the Doctor professes to have taken from the venerable Authority of a Convocation-Book, the Title of which runs thus: *Bishop Overal's Convocation-Book, 1606. concerning the Government of God's Catholick Church, and the Kingdoms of the whole World.* Ay! the whole World! it has taken compass enough; and yet this unlucky corner of the World, *England*, never took the least notice of it, for near fourscore years after; and why? but that it was of no Authority: for besides that what the Doctor here urges, is no part of the Canon, but a kind of preliminary discourse to a Canon, which was never owned by the Church of *England*, it was never ratified by the King's Letters Patents, as by Law it ought to have been; and consequently, of no more Authority, than a Bill that might have pass'd Lords, and Commons, but wanted the Royal Assent, to give it Life: and therefore, it is a shrewd sign the Doctor was hard put to't, when he caught hold of a Twig: yet nothing will serve him, but it must be the judgment of the Church of *England*, how contrary soever it be to their

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their Writings, printed Sermons, the Address of the University of Cambridge, 1681. the Judgment and Decree of the University of Oxford, 1683, by which, several of the Doctors new Propositions, as taking one for many, viz. "That Possession, and Strength, give a right to govern, and success, in a Cause, or Enterprize, proclaims it to be lawful and just: to pursue it, is to comply with the Will of God, because it is to follow the conduct of his Providence; are adjudged and decreed, to be false, seditious, and impious, and infamous to Christian Religion, and destructive of all Government in Church and State: and lastly, the Canons of 1640, agreed upon by the Bishops and Clergy of both Provinces, and ratified by the King: where, *Can. 1.* they declare, "That the most high and sacred Order of Kings, is of divine right, being the Ordinance of God himself, founded in the prime Laws of Nature, and clearly established, by express Texts, both of the Old and New Testament. And if this be true, then certainly (let the Doctor's Convocation-Book say what it will) when disloyal Subjects, by their rebellious rising against their natural Sovereigns, have establish'd, any degenerate form of Government among their People, the Authority so unjustly gotten, or wrung by force, from the true and lawful Possessor, cannot be the Ordinance of God; unless he also prove, that God always condemns the oppressed, and lets the oppressor go free.

Nor will the following indefinite words (*when thoroughly settled*) make any thing in the Case; for that, even Prescription, cannot justify a Wrong; and it is a Rule in our Law, (*Quod initio temporis non valet, tractu temporis non convalescit*) length of time makes nothing lawful, that was not so from the beginning: However the Doctor will make somewhat of it, when (*page 9*) he tells us what the Convocation means, by the Government's being thoroughly settled; and as the Doctor was formerly indebted to the Book, he brings the Book now indebted to him, in determining the bounds of it, viz. *When the whole administration of Government and the whole power of the Nation is in the hands of such a Prince; when every thing is done in his Name, and by his Authority; when the States of the Realm and the great body of the Nation has submitted to him, and those who will not, can be crushed by him whenever he pleases.* Very well! and yet with the Doctor's

ctor's leave I'd ask him what he thinks of the Case of *Abfalom* and *David*? *Abfalom*, laid the foundation of his Rebellion, in the Religious Pretext of a Vow at *Hebron*; (2 *Sam.* 15. 9.) He was proclaim'd King, (*ver.* 10.) The People encreased continually with him, (*ver.* 12.) Their hearts were after him, (*ver.* 13.) *David* himself gives him the title of King, (*Ver.* 19.) Bids *Hushai* do the same, (*ver.* 30.) God, and the People, are said to have chosen him, (*cap.* 16. *ver.* 8.) He was in possession of *Jerusalem*, (*ver.* 15.) All the Elders of *Israel* were with him, (*cap.* 17. *ver.* 4.) And to secure all this, a potent Army, whose number may be judg'd, (*cap.* 18. *ver.* 7.) where 'tis said, twenty thousand of them were slain; and the Wood, devour'd more than the Sword devoured, (*ver.* 8.) And had every thing the Doctor requires, for the Translation of a Kingdom, and a full settlement: for the possession (according to the Doctor) invested him with God's Authority, and the submission of the People, and his protecting them, made it a through settlement, as having held it for about two Years, as may be probably conjectured from Archbishop *Usher's* Annals. — And now, with-  
 out asking the Doctor, how he can excuse *David*, from being a Rebel (for he plainly saw the Kingdom was translated to another, and that he could be no more than a Subject, and consequently, should have obeyed *Abfalom*, for Conscience sake) I would fain know of him, whether God's Power is not (in this case) made use of, contrary to God's positive Will, of having (as he says) *entailed the Crown to David*, because it is made use of unjustly, to which God cannot concur. — And the like also may be said of *Ashaliab's* six years Usurpation, and full possession of the Throne, of which, hereafter.

But to come nearer home. The Lady *Jane Grey* had whatsoever condition the Doctor requires for the possession of the Throne, and a through settlement: She had the colour of King *Edward* the Sixth's Letters Patents; the concurrence of all the Judges, but one; was proclaim'd Queen; the Premier Officers of the Kingdom swore Allegiance to her; all the Land, and Naval Forces were in her hand; and assum'd the name, title, and state of a Queen: And yet, I think the Doctor will not call this the Ordinance of God, without confessing at the same time, that the Duke of *Northumberland*, who lost his Head for acting against Queen *Mary*, the rightful Queen, though he had the

the Great Seal, and Warrant of the Privy-Council for his Authority, was illegally, and unjustly murdered.

In like manner, the Regicides of 1648, by the name of *the Keepers of the Liberty of England by Authority of Parliament* had all this, and (if 'twere possible) more : they had (to use the words of the Doctors Convocation-Book) rebelliously risen against their natural Sovereign, (and murdered him) established a degenerate form of Government among the People, and brought the Country in Subjection to their ungodly desires. — The same had *Oliver Cromwel* (who turn'd them out) by the name of *Oliver Lord Protector of the Commonwealth of England, &c.* The same, had *his Son Richard*. — The same had those *Regicides* again, when they had laid by *Richard*. — The same had the *Committee of Safety*, under that first name of *the Keepers, &c.* — And the same, had the old *Rump* again ; and all this, by the same Principles of Rebellion and Usurpation, which he here mentions. — Pray answer me, was it of Heaven, or Men ? Were they in their respective turns, and alterations of Government, the Ordinance of God, albeit they had every thing in their hands, that himself determines requisite, to a through Settlement ? And the reason why I ask it, is this ; because if they received their Power from God, those Loyal Subjects that opposed this Power, were Rebels and Traitors, and those others, how justly soever condemned by Law, Martyrs. — For my part, I had been at a loss to salve it, had not the Doctor done it for me, *viz.* The most prosperous Rebel, is not the *Higher Powers* : and therefore, though such Men may get the Power into their hands, by God's Permission, it is not by God's Ordinance ; and he who resists them, does not resist the Ordinance of God, but the usurpations of Men : but how does the Doctor know this to be true, when his general Proposition asserts the contrary, or how will he reconcile it, with what he says in this Section, That *the submission of the People, of it self, is sufficient to settle a Government, and when it is settled, then it is the Authority of God, whatever the Humane Right be ?* and so I think I may score up the Doctor One, for this manifest contradicting himself ; he shall have more of it presently, as it comes in my way : yet in the mean time, I cannot but wonder, when we have Laws and Constitutions of our own, and plain Texts enough, that teach us our Duty, to God and Man, what makes the Doctor run to the

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128.*



the Text, for something done amongst the *Jews*, which nothing concerns *England*, beyond the Morality of it? When also it will not be so easily effected, to make any indifferent Man believe, that those peculiar Laws of the *Jews*, necessarily oblige any other Nation, to whom that Law was not given, to conform to their Policies, 'till the Doctor first persuade him, that every Nation, hath the peculiar Privilege of the *Jews*, and its Government, a Theocracy like theirs.

## The Doctor's third Section.

### *The Testimony of Scripture, and Reason.*

Scripture he says, that Sacred Word, too often abused, and *Matth. 4.6.* Suffered by God, to be wrested by the Devil, at his need: *Adeo nihil est quod SS. Scriptura extorqueri non possit, modo torqueatur.* And that he may the better foist it on the heedless Croud, he falls a branching it into Propositions; sets up his Jack-a-Lent, and throws his Kibbets at 'em. The first of these will be readily acknowledged, saying that he palms upon us the words, *Severeign Princes*, and when the drift of his Argument is to prove, that *Authority gotten by Rebellion, or wrong by force, is always God's Authority*; and covers the Cloven-Foot, with the more inviting Robe, of civil Power, and Authority: nor yet without reason; for to have drawn the Devil as the Painters make him, had been enough to startle an Atheist, but when he appears as an Angel of Light, who would suffer him to shake off the dust of his Feet on 'em?

But (says he) *This Civil Power and Authority is no otherwise* *Pag. 10.* *from God, than as he gives it to some particular Person, or Persons, so govern others.* Very good! But does not this make against himself? for when God has given it to such or such a particular Person, (the present Government for instance) I think he will not say, that all Rebellion in this case is not a Rebellion against God; and if he allows it, he not only interferes with his former Proposition, but makes God, the Author of Contradictions (as he does of evil, and even Sin too, as it lies in his way) in giving

giving that Personal Authority to this or that particular Person, and again, justifying that force, that takes it from him.

Nor is his third other, than of the same Batch : he says God gives this Power and Authority, either *by Nature, express Nomination, or by the disposals of Providence.* — By Nature; as Parents: the Father, being the only natural Authority: but how this Patriarchal Authority was limited (he) cannot tell; or how new Governments began (deems it) as vain, to enquire now. And why not? This Supreme Power, was once in Noah; and after him, in the families of his Sons in their Generations, after their Nations, and by them, were the Nations divided in the Earth, after the Flood. And to the same purpose the Son of Sirach; In the *dis-*  
*vision of the Nations of the Earth, he appointed a Ruler over every People.* Which shews, that Sovereignty, was originally by the immediate appointment of God, in a legal Succession, after their Generations; and if the Doctor knew not how it came to be limited, or how new Governments began, he had done well not to have thrown that Bone, 'till he had pick'd it better.

By a particular Nomination: God (saith he) made Kings, only in Jewry: *entail'd Judah upon David, and his Posterity: and set Jeroboam and Jehu, over Israel: yet (with the Doctor's leave) God made David King, not of Judah only, but Israel also: For (if my Bible be true) he gave the Kingdom over Israel, to David for ever, even to him, and to his Sons, by a Covenant of Salt.* But what the Doctor means by the word *entail'd*, I cannot readily conjecture, unless, that as Master of the Temple he resolved to shew his Learning, by telling his Auditory, *Entails* were a brace of Thousand Years ancients, than they yet dream'd of.

But to come to that of *Jeroboam*, and his Sugar-plumb word, *the division of the ten Tribes*; which yet the Scripture calls, downright Rebellion: and truly the Text begins well towards it: *This was the cause that Jeroboam lift up his hand against the King, (or rebelled against his Lord, saith another place) as thus:*

Solomon had turned off, to his Wife's Gods, at what time, *Jeroboam*, (a mighty Man of Valour, and industrious, but the height of his Preferment, was the Overseership of the building of *Miloh*, a thing either out of his way, or beneath his Character) was

was Servant to him: on this, God threatens *Solomon* to rend the Kingdom from him, and by his Prophet *Abijah*, appoints *Jeroboam* to it, who flies into *Egypt* for fear of *Solomon*, but after his death, is sent for by the People, and heads them in a *Petition of Grievances*, to *Rehoboam*, the Son of *Solomon*, which, being unadvisedly answered, *Israel* rebelled against the house of *David*, and made *Jeroboam* their King. Now this appointment, being only private between the Prophet, and himself, without Proclamation, or Unction, as in the case of other Kings; what, more can be made of it, than that God permitted it; to the end, he might punish one Sin, by another? God saw, *Solomon* had forsaken him, and punished it in his Son, by rending the Kingdom from him: He foresaw, that the ten Tribes would revolt, and make *Jeroboam* their King, and that *Jeroboam* would draw them to Idolatry (as the *Jews* never threw off their King, but they threw off their Religion with it) and so punishes *Solomon's* Apostacy, with the Peoples Rebellion against his Son; their Rebellion, with *Jeroboam's* drawing them to Idolatry; and himself at last (which was his positive Will) in the total subversion of his Family: whereas, had it been other, why does the Text say, that both of them rebelled, the one, against his Lord, the other against the house of *David*: As in the case of *Pharaoh*, it is said, God hardened his heart: and again, *For this have I raised thee (Pharaoh) up, that I might shew my Power in thee, &c.* *i. e.* make thee an Example of my Justice: In both which, God can only be said, to have concurred permissively, by leaving them to themselves, and withdrawing his Grace: but because I shall have occasion to speak further to it in the Doctor's next Paragraph, I'll leave it for the present, and go on, with his other Instances.

And here, with the Doctor's leave, the case of *Jehu*, will differ much, from that of *Jeroboam*, for *Jehu's* was extraordinary, and by the particular Command of God, to a particular end, as appears by the words of the young Prophet, when he poured the Oil on his head, *2 Kings* 9. 6, 7. and may be called the Ordinance of God, in respect of the revealed Will of God concerning it, and yet, makes no Argument to prove his Assertion, That by what means soever any Prince ascends the Throne, he is placed there by God, and receives his Authority

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thority from him, 'till the Doctor shews, the like Prophet, and the like Revelation. *Unum tantum Jehu contra dominum suum armavit Deus, quod ut peculiare fuit, ita non est in exemplum trahendum*, saith *Pet. Martyr*. "God armed one only *Jehu* against his Lord and Master, which, as it was peculiar and extraordinary, is not to be drawn into example. *Jehu* slew his Master and had Peace, because of his Commission: but had *Zimri* Peace that slew his Master? and yet this was the means, by which he ascended the Throne. And truly when I consider it more narrowly, God seems not to be so altogether pleased, even with *Jehu*, in this matter; for the Text saith, *he conspired against Joram, and slew him; and the Prophet brings in God thus speaking of it, Yet a little while, and I will avenge the Blood of Jezreel upon the House of Jehu: no great signs to the contrary, but there was more of God's permission, than approbation in it. But to proceed.*

*Hosea 1. 4.*

The next thing the Doctor goes upon is that of *Daniel*, chap. 4. ver. 17. and chap. 2. ver. 21. and 37. *The most high ruleth in the Kingdom of Men, and giveth it to whomsoever he will. God gave it to Nebuchadnezzar, and it is he that removeth Kings, and setteth up Kings,*— and gives a demonstration of it, in the four Monarchies.

12 Car. 2.  
c. 14.

But how does this of *Daniel* make up to the Doctor's Universal Proposition, touching illegal, usurp'd Powers; the Regicides, *Oliver Cromwell*, or the like, and whom, all honest Men took for what the Statute calls them, "The most traiterous Conspiracies, and armed Power, of usurping Tyrants, and execrable, perfidious Traitors? Or why does he bring the Interpretation of one Dream, to credit another of his own, unless also, it carried the same Confirmation, *Viz. There fell a Voice from Heaven, O King Nebuchadnezzar, to thee it is spoken; the Kingdom is departed from thee.* Especially considering, that those times were times of Prophets, and Revelations; and several things are spoken in the Old Testament, *pro hac vice*, and according to the Oeconomy of that time. Nor will his instance of the four Monarchies better clear it, or prove, that God concurred more than permissively, to those *Magna Laetocinia*. *Nimrod*, the first of that kind, the Scripture ('tis true) calls him a Mighty Hunter, which *Bodin* renders, a great Robber; nor (perhaps) without reason, for he first

*Dan 4. 31.*

invaded

invaded the Dominion of others, to enlarge his own: Man at that time, was in a kind of state of Nature, and thought he had a Right to every thing he could lay his hand on; a great Beast on his him's Legs; that (like him in *Virgil*) knew no God but his Right Hand, and his Javelin, or other measures of Justice than what were writ on his Sword. And how well God approved of that Monarchy, may be seen in *Isaiah*; O Assyrian, the Rod of mine Anger, and the Staff of mine Indignation! And why so? but that, *ver. 7.* it is said, *His Heart is to destroy, and cut off Nations not a few.* *I sa. 10. 5.*

The next was *Cyrus*, and true it is, God calls him his Shepherd and his Anointed, as having particularly appointed him, to be avenged of the *Babylonians*, for their destroying the first Temple: God positively willed this, and only permitted the rest of his Rapines; for he fell at last, and was slain by a Woman; by whom, his Head was cut off, and thrown into a bowl of Blood, with this reproach, — *Savia re Sanguine, Cyre*: Drink thy fill, O *Cyrus*, of what thou hast so thirsted after. *I sa. 45. 1.*

Next the *Persian*, came the *Macedonian* under *Alexander*, who, had he boggled at any thing, had never wept the scarcity of Worlds; yet lived not many Years to enjoy, what he had ravished from others.

And last of all the *Roman*. That *Rome*, that was founded in *Fratricide*; her Walls cemented with the Blood of *Alba*; her first *Consulship*, suckled with it; the Sons of *Brutus* Sacrific'd to the Rebellion of their Father, and her whole Progress, suitable to so hopeful a beginning. And now let the Doctor (without painting his God, by such a Light, as may best serve his own purpose) tell me, if God's permitting these fortunate Mischiefs to prosper, be any demonstration, that he either ordained, or approved them.

O but (says the Doctor) now God governs the rest of the *Page 12.*  
World, removeth Kings and setteth up Kings, only by his Providence, i. e. by an invisible Influence and Power, whereby he directs, determines, over-rules all Events, to the accomplishment of his own Will and Counsels, in distinction from his more visible Government, by his Oracles and Prophets, or the express significations of his Will, as he in former Ages governed *Israel*. And what's all this? I am loth to call it Caneing, though it had been never the



worse if he had explained it a little better. Is not every thing we see, God? Is he not the same yesterday, to day, and the same for ever? And shall we doubt, whether he did not from all Eternity do, as he doth now? Can a Sparrow, or an Hair fall to the ground, without God's Providence; and shall I believe this dark walk fingers to me any thing, his reveal'd Will has forbidden? for my part, I was in the mire, and there might have stuck, but that the Doctor help'd me out again; when speaking of the Case between *Saul* and *David*, he

*His Case of* says thus — We know what use some Men have made of  
*Resist.* 29. “this Argument of Providence, to justify all the Villainies

“they had a mind to act. — No Man can do any Wickedness, which he has no opportunity of doing; and therefore, if the Providence of God, which puts opportunities “into Mens hands, justifies the Wickedness they commit, no “Man can be chargeable with any guilt, whatever he does. — And thence concludes, “That we are to learn our Duty from “the Law of God, not from his Providence; at least, this “must be a settled Principle, That the Providence of God “will never justify any Action, which his Law forbids. —

And (without bringing *Daniel* to explain the Ten Commandments) I make this use of it, That whatever the methods of Providence may be in this World, I am not to judge of them, by my private Spirit or Interest, but by God's reveal'd Will, the Law and the Testimony: And this the rather, for (as says a Reverend Bishop of this Kingdom) even Christ himself, whatever he knew of the secret Will of God, was to follow his revealed Will in his Actions.

*Vindication of the Church of Eng.* P. 35.

From this, the Doctor further runs it on in his way: Nor does it (saith he) make any difference in this Case, to distinguish between what God permits, and what he does; for this distinction does not relate to the Event of Things, but to the Wickedness of Men; which is the only Reason of this distinction: The Events of all Things are in his Hands, and are ordered by his Will and Counsel, as they must be, if he governs the World. And because he particularly instances in the advancement of Kings, as the principal Act of Providence, I give it this Answer — There have been Kings made, but not by the positive Will of God, or otherwise, what means that of the Prophet? They have set up

*Hos. 8. 4. Kings, but not by me: they have made Princes, and I knew it not.*

Now,

Now, Kings set up, is the Event of a Thing: Therefore, all Events are not always God's positive Will; unless the Doctor will say, God willed without knowledge: when to act after that manner, is in a Man absolute Folly; and who is he shall attribute it to an Infinite, Intellectual Being, and charge the Holy One with Folly?

And yet, to rivet the Nail before he has half driven it, he urges that of *Amos*; *Shall there be any evil in a City, and the Lord hath not done it?* which makes against himself: For, as God is to the Cause, so he is to the Effect, which is a necessary Consequence of the Cause: But the Doctor owns God has no positive Will in the Cause; therefore, neither has he in the Event, which is the effect of that Cause: And therefore, there may be some evil in a City which God permitted, and not decreed by his positive Will; and a Prince set up, which God knew not of.

The Doctor further in the same Page, as boldly as dangerously, says, *The Scripture never speaks of God's bare permission of any Events, but makes Him the Author of all the Good or Evil which happens, either to private Persons, or publick Societies; and either disappoints wicked designs, or gives them success, when he can serve the ends of his Providence by their Wickedness.* Now if this be true, then God was the Author of the Rebellion of 1641. and not only permitted, but was the Author of the Murder of King *Charles* the First. — Put the Case a Man is inclined to commit Murder; if God gives him success, he must be a Co-operator: the effect of this Murder may be Despair; then God gives him Despair: the effect of Despair, may be Self-murder, and there the Scene Ends. Of this Self-murder, God must be the Cause, because he gave the Success: Now this being a Sin, God is the Author of Sin; for (as the Doctor a few Lines after says). *all the Events which are for the evil of private Men, are ordered by him.*

And now, because the whole stress of the Doctor's Book lies in God's Will, I cannot take a better opportunity, than speaking to it once for all, in this Place; And (*Hic later anguis*) here he falsifies, not distinguishing with *David* (*omnes voluntates ejus*) and with all Divines, his Will, into Positive and Permissive; and his Positive, into *Signi*, & *Beneplaciti*, &c. By the first distinction, God is cleared from being the Author of

Amos 3.6.

PL 110 2.  
St. Hierom's  
Translation.

of all Wickedness, which the Doctor too manifestly seems to attribute to him, when he says, *He gives them Success in their Wickedness*. By the second, the Doctor's main Prop-sinks; for by God's Will, a Man is sometimes obliged to oppose God's Will: As put the Case my Father should commit Murder; it is God's Will, that he should die for it: and yet it is God's Will, that I being his Son, should oppose it, and seek to save him. — So, it might be God's Will for the accomplishment of his Will and Counsels, to Exalt *Cromwell*; yet it was at the same time God's Will, that Men should oppose it, because God exalted him, that he might have the greater Fall, as a Punishment for precedent Offences, or the Sins of this Nation; and so *Job 34. 30.* (*Regnare facit hominem hypocritam, propter peccata populi*) For the Sins of a Nation he maketh an Hypocrite to reign; Or for the tryal of good Men, and punishment of the bad: which, and the like, may be the Ends of his Counsels and Will.

St. Hieron's  
Translation.

And now that I am upon it, it may not be amiss, to speak somewhat more particularly touching God's permissive Will, and his positive Will, the not distinguishing between which, has been not the least cause of the many misconceptions of the Divine Majesty. — God is the positive Author of all real Beings, but the defect of that Being proceeds from the irregularity of Man's Will, to which God contributes nothing, only suffers it: God is the Author of the Thing, but not of the Immorality, or Deformity of the Thing: God gives the Power, but the misapplication of that Power, is the depravity of the Creature. As in *Cain's* Murder; *David's* Adultery; *Ahab's* coveting *Nabal's* Vineyard, &c. And the Scripture doth sometimes express things, as done, or commanded by God, when they are only permitted by him: as in the Case of *Pharaoh*, of which before: And so, *1 Sam. 24. 1.* it is said, *The anger of the Lord was kindled against Israel, and he moved David against them, to number Israel*: When *1 Chron. 21. 1.* it is said, *Satan stood up against Israel, and provoked David to number Israel*. — So, *2 Chron. 18. 21.* God is said to have put a lying Spirit in the mouth of the Prophets; when 'tis clear from the Text, that Satan offered himself; and yet, that is attributed to God, which he only permitted the Devil to perform. — And lastly (because I may sooner tire my Reader, than

than want Instances) take that of *Shimei* — *Shimei* cursed *David*, and *David* said, *Let him alone, for the Lord hath bid- den him*: And therefore, according to the Doctor's Principles, *Shimei* was oblig'd in Conscience to curse him, as being oblig'd to obey the Command of God. — Nor could the Doctor himself, be justly offended, with any one that should injure him; for the Power by which he did it, was from God, and God moved him to do it: *In him we move*, &c. — But to go on with the Doctor, and (if I am not mistaken) but a single Doctor's Opinion, *That by what means soever any Prince ascends the Throne, he is as truly plac'd there by God, as if he had been expressly nominated, and anointed by a Prophet at God's command, as were Saul and David.* But is this conformable to the Canons of the Church of *England*? This the Doctrine they have so often gloried in? I think not: Be the venerable Bishop of *Sarum*, judge between us; when (besides what he says in his *Royal Martyr*) having sufficiently exploded the like Doctrine; in his other Sermon, of *Submission for Conscience sake*, his Lordship (*Page 4.*) says thus, "This levels the Prince with the Subject, and gives the Usurper as good a Title as the lawful Sovereign can claim. And again (shewing how our Saviour condemn'd all Practice against the Government, upon pretext of Religion) "We must either set up for a new Gospel or utterly reject what is so formally condemn'd by the Author of this we profess to believe. (*Page 26.*) Whereas, had not what the Doctor says been contrary to the Doctrine of the Church of *England*, his Lordship (it may be presumed) "had never tax'd those, who value themselves upon their "abhorring the Doctrines and Practices of the Church of "Rome, yet vouch the Cause and Work of God when they "are destroying that Authority (*viz.* King *Charles II.*) he "hath set up: But blessed be God, our Church hates and "condemns this Doctrine, from what Hand soever it comes, "and requires an absolute Submission to that Supreme Power God hath put in our Sovereigns Hands; nay, though the "Conduct of Affairs, do not suit our Wishes, or Desires. (*Page 36, 38.*) "A Doctrine (says his Lordship) we justly "glory in! (*Page 39.*) And how suitable this is to that other Doctrine, let every Man judge; when (according to the Doctor) the success of 1647. is made the Power of God; the Regicides,

Regicides, just Judges; That *Rump* of a Parliament, God's Ordinance; And *Oliver Cromwell*, his Minister; and as truly placed in the Throne by God, as if he had been expressly nominated, as were *Saul* and *David*: for such must be the consequences, deduced from the Doctor's ill-understood Premises, occasion'd by his overswaying Reason. (Unfortunate *Adam*!) I leave the Application to the Reader, but not the Doctor, till I ask him a Question: The Ministry of the Gospel, is the Ordinance of God; And, were the Phanatics, in those Times of Usurpation, as truly placed in the Loyal Clergies Pulpits by God, as is the Doctor himself, or his Diocesan? If he says they were, then there is no more to be said: And if he says they were not, then see the result of false Principles.

pag. 16.

However, we'll try if the next may be truer, which if it be (*cavete vobis Principes*) Princes, look about ye, and be sure if your People fail ye, ye be able to secure your selves without 'em. *An Oath of Allegiance* (saith he) *made to any King can oblige no longer than he continues to be King: for if it did, it would oblige us against our Duty, and so become an unlawful Oath.* And here, methinks, the Doctor might have given us some plain definition of the Word Allegiance, before he had so rashly determin'd concerning that Oath: The People ('tis true) hear the sound thereof, but how few of them are there that know whence it cometh, or whither it goeth? but since he has not, I shall (as necessary to the ensuing Discourse) do it for him.

24. H. 8.

cap. 12.

Allegiance is a perpetual, indispensible Duty, that every Subject, whatever the Form of Government be, by the Law of Nature oweth to the Supreme Power thereof: And this the Statute calls, A natural and humble Obedience, which, both Spirituality and Temporality, are bound, and ought to bear to the King. And hence it is, that this Kingdom is called, *The King's Ligeance; the King, Liege-Lord; the People, Liege-Men*: And this, so essential to the relation of a Subject, as that the very name of Subject imports it, and thence gain'd in common Speech, the name of Natural Allegiance: And this also, due to the natural Body of the King, by the Law of Nature, the Law of God, and the Law of the Land, and cannot be forfeited, or renounced by him; as was adjudged by all the Judges of *England*, in the Exchequer Chamber.

7. Cook.  
Calvin's  
Case.

And



And the contrary opinion of the *Spencers* in *Edw.* the second's time, That Ligeance was more by reason of the King's politick Capacity, than of his Person, was condemned for High-Treason, by two Parliaments, the one called *Exilium Hugonis*, in *Edw.* the second's time, the other, 1 *Edw.* 3. cap. 1.

This Allegiance which the Doctor has in such general terms spoken of, and I endeavour'd to explain, he hath given to *King William and Queen Mary*, and further bound it, with the sacred tie of an Oath: and now let me ask him, what he, or they thought, when he so entred into that Oath? — As to himself, did he give it as a bare promise of Fidelity, to remain true to them, so long as they are in Power, and not to attempt any thing to their Destruction? — All Prisoners of War do the same. — Or as such a Fidelity as relates to the safety of the Nation, and imports no more, than to live peaceably under the Power, and yield Obedience to it, in all things absolutely necessary for the support of Civil Society? — And that's no more than what all Men ever did, and ever will, for their own convenience. — Or lastly did he give it (*ad mentem imponentis*) according to the meaning of them, to whom it was given? which is the common, received understanding, of all promises and assurances, wherein Faith is given: because Faith so given, is intended, to the behoof, and for the interest of him, or them, that require it: *viz.* to the end, that they may have the better assurance from him, that giveth the Faith, that what is promised, shall be accordingly performed; which assurance they cannot have, if after his meaning, declared by words, it should yet be at the liberty of the Promiser, to reserve some other remote meaning to himself; as that he might dis-intangle himself of it, as he saw a better occasion, or the like. — And as to the King and Queen, which of the three Senses, does the Doctor conceive they intended, when he gave them his Faith, and Allegiance? It could not be the first or second, for that gave them no such assurance of him, but that he might forsake them, when they had most need of him. And therefore it must be the last: They thought (no doubt) but the end of Oaths was to keep a Man steady to his Prince in times of Tryal, and that the Doctor took his, according to the plain intent and

meaning of the words, but whether he has not managed this matter, as the Devil when he set his Damm's Leg, broke it quite in two, I come to examine.

*We swear (saith he) to maintain, and defend the King's Right, and the Right of his Heirs; but yet, we swear not to keep them in the Throne, when, though the Man is still in being, the King is gone. — Most profoundly distinguish'd ! — And so the Allegiance the Doctor gave King William and Queen Mary, is no more but this, viz. That as long as they were able to defend themselves, he also (according to the Language of Addresses) will stand by them with his Life and Fortune; but if the Kingdom should happen to be Invaded, he would sit down, and according to his Duty, pray for 'em, (taking care nevertheless to do it in such terms, as not to pray against the dispossessed Prince, p. 17.) 'till he see, who hath the longest Sword, which is always God's Power, and which, whosoever resists, procures to himself Damnation. — And for his Non-Resistance, which is of the same thread, (saying that he has turn'd it into a Non-Assistance) let 'em quietly go out of the Kingdom, when they can hold it no longer, without stopping them. pag. 27. and 50.*

P. 31.

And that this is his meaning, be witness himself, *I am sure (saith he) there is no Law that requires all Subjects to receive Commissions from the King, though he be in possession, of the Government; nor to list themselves Soldiers in his Army; and therefore, this is no part of the Legal Defence we swear. with this further, in the following page, That a general Revolt, excuses those, that had no hand in it, from their sworn defence of the King's Person, and his Crown; and making their compliance with it, is innocent, and necessary.*

P. 32.

How's this! no Law! What thinks the Doctor of the Common Law of England, which says, The King hath an Interest in the Persons of his Subjects, and may dispose of their Bodies, for the defence of the Kingdom: and the reason is, because they are bound by their Allegiance to serve him; as may be seen by the several Writs issued on such occasions, to array all the Lords, (*& omnes homines defensibiles*) and all that are able to bear Arms; not exempting even the Clergy (*manus adjutrices: apponere*) to put their helping hands to it. — And with this, agrees the Statute Law, 9 Hen. 3.

cap. 20. 2 Hen. 4. cap. 24. — 1 Hen. 7. cap. 1. and cap. 18. — 24 Hen. 8. cap. 12. — 3 Edw. 6. cap. 2. — How much stronger then is it, when there's an Oath in the case? And 'tis a Rule in the same Common-Law (*Qui non prohibet eum potest, jubet.*) He that hath it in his Power to hinder any thing, and doth not, commands it. And truly, if the Doctor has any new way, for the Subject to defend his Prince, when his Person and his Crown are in danger, but by bearing Arms for him, and not leave him to the Divine Providence, he would do well to shew it: Nay the very word Ligeance, carries a defence, in that he that gives it, binds himself (as with a Band) to his Lord, to defend him against all Men; which if it did not, what other were he to him, than a Knife without an Edge, or a strong Garrison without Ammunition? And therefore, 'till the Doctor shall have taught us that new way, I cannot but think the present Government as little beholding to him, as the Church of England have been hitherto, for bolting such Divinity, among the common People, and telling them, they may defend it if they please, if not, *It is no part of that Legal Defence we swear.* The People (I say) that carry their Brains in other Mens Heads, and may (perhaps) be all as forward to trim, as even the Doctor himself.

And if the Doctor has not don't, what means this lowering of the Oxen? What mean those words of his, *That he did not refuse the Oaths out of any fondness to the Government of King James, nor Zeal for his return, which the present prospect of affairs gives no Man who loves the Church of England, face, and the liberties of his Country, any reason to wish.* And yet, as the late Revolution falls in his way, he more than once, avoids the justifying the legality of it, when yet too, it is the only Verb in his Case. — Or what that other, *That it is our duty to pray for the King in Possession, while we take care to do it in such terms, as not to pray against the dispossessed Prince: nor without reason, for who knows but God Almighty might understand him, especially when he complies with the publick Service, for Humiliation and Thanksgiving days.* — Or that (saith he) *we swear, to defend the King's, and his Heir's Right, but not to keep them in the Throne, which may be impossible for us to do, against a prosperous Rebellion.* But does this discharge the Doctor of his Part, in not trying whether

it be possible, or not? And what's all this but mere Banter? Where his single Business was to have justified the Legality of the late Revolution, that having first swept the house, he might have made it the fitter for a new Tenant: instead of which, he has only perplexed us with a tale of a Tub, and neither beaten down one side, nor defended the other; other, than by such Arguments, as (turning the Tables) may indifferently serve for either side: A perfect *Samaritan* shuffle, who when the *Gentiles* prevailed, were of the race of *Ismael*, and when the *Jews* got the upper hand, had *Abraham* to their Father: And were it possible to bring the Doctor to see in his own case, he must not but acknowledge, that when he took the Oaths to the present Government, he had some secret reserve to himself, and no other design, in writing so many Leaves, to so little purpose, than to raise a dust, and slip himself off in it: nor shall his whole discourse ever persuade me, that it was, all, dry, downright, Conscience, without some little Bye-purse of his own Interest: Like a young Vintner, when he first sets up; you may bring your what you please to his house, and your Worship's welcome; but he has no sooner got an Estate by your Folly, than he grows conscientious, and will not draw ye a Bottle of Wine on a Sunday.—— And truly, taking all the Doctors matter, as he has laid it, I am so far from being able to make other of it, that I rather believe, he more consulted his friend *Hudibras*, than his so often (but groundlessly) vouch'd, the Church of *England*; for thus says the former,

*He that exalts the Oath, he makes it,*

*Not he, that for Convenience takes it:*

*And then, how can a Man be said*

*To break the Oath, he never made?*

And therefore, for as much as concerns this Section, if this be the way of playing fast and loose with Oaths, let them hereafter, even tangle Flies, and be the same to Mankind, as Rattles to Children, or his Fetters to *Sampson*.

The

## The Doctor's fourth Section.

*Some Reasons and Arguments, for the further confirmation of his Doctrine.*

AND here, that he may the more impartially examine the matter, he observes,

1. That the Scripture has given us no directions in this case, nor Page. 18. made any distinction between rightful Kings, and Usurpers; between Kings whom we must, and whom we must not obey; but the general is, Let every Soul be subject to the higher Powers. Rom. 13. 1, 2.

And what need God Almighty have done it, when he has left us the Law and the Prophets? And therefore, imagining the case were doubtful, what hurt is it if we follow that side of the doubt, that is freest from hazard? Especially, when the Scripture, speaking of Usurpers, never leaves them without some Brand of Infamy. — Thus, Absalom's Vow at Hebron, is call'd a Conspiracy, 2 Sam. 15. 12. — That of Baasha, the same, 1 Kings 15. 20. — That of Jeroboam, Rebellion, 2 Chron. 13. 6. — That of Zimri, Treason, chap. 16. 20. And even Fehu confesses himself a Traitor, 2 Kings 10. 9. And which is further observable, few, or none of them, died the death of the Righteous, or could it be said of their Posterity, that their latter end was like his: No; God only suffered them as a Rod to whip others, and when they had done, threw the Rod in the Fire: nor does the Scripture (that I remember) call them the Ordinance of God, or in any wise, require their Subjects to obey them; and therefore, such, or the like examples, seem to be left us, more, for our Caution, than Imitation.

And whereas the Doctor further says, Nor the least notice of any kind of Duty owing, or to be paid to a Prince out of Authority, whatever his Right may be. I answer, Had that Particular ever happened, either among the Jews, or in our Saviour's time, it is not to be doubted, but there had been some Rule made in the case of Kings, as well, as taught us, what to do

one



one to another, viz. "Whatsoever ye would, that Man should do unto you, do ye even so, to them; for this is the Law, and the Prophets.

And yet this, *Rom. 13. Let every Soul be subject to the Higher Powers, for all Power is of God, &c. and they that resist, shall receive to themselves Damnation*, must do the business: a Text, the Doctor has been very well acquainted with, and more than once thumb'd, though not the same way: which truly, I should have wondred at in any thing, past its Lamb-skin hood, much more, from one of Scarlet, had I not recollected, *Cucullus non facit Monachum*, or found himself, thus explaining himself, pag. 23. When speaking, that all Power is of God; *This has been* (saith he) *a very perplex and intricate Dispute, both in Religion and Politicks, and Men have zealously espoused different Hypotheses, as they have had different ends to serve. As* (perhaps) *himself* for one (the only ingenious thing of his whole Book); for speaking of *Athaliah's* Usurpation, (who yet, had a six years Possession of the Crown, and all those conditions, himself requires, for the Translation of a Kingdom, and the whole power of Government in her hands)

*His case of  
Resistance,  
P. 132.*

"Yet this (saith he) did not make her a Sovereign irresistible Prince, because *Joash*, the Son of *Athaziah*, the right Heir of the Crown, was yet alive: with this further, "Such Usurpers, though they have the possession of "the Supream Power, yet they have no right to it: and "though God, for wise Reasons, may sometimes permit "such Usurpations, yet while his Providence secures the "Persons, of such deposed, and banished Princes from Violence, he secures their Title too. And now let any indifferent Man judge, how well this Doctrine agrees with his present Doctrine; or rather, whether they are not diametrically opposite. — It is so, it is not so. — It is not so, it is so. Just like a Juggler's *Orinkum Crankum*: now 'tis an Horse, now a Man on Horse-back; now 'tis a Lanthorn, and now 'tis a Boar, and when all's done, a blind piece of Paper at last.

However, since the Doctor has been at the pains to unlearn himself, what he so long taught others, it can't be much time lost to see what he makes of this, *Rom. 13. 1, 2. Let every Soul be subject to the Higher Powers, &c.* Where (saith he)

to say the Apostle here speaks of, *Lawful Powers*, is *Gratis dictum*, Page 19.  
 for there is no Evidence of it: And instead of remembering what  
 he had said before, tells us, *The Criticism between Equia and*  
*Stratus*, will not do; for they both signify the same thing in Scri-  
 pture. (A Mill-horse, and a Horse-mill: some small trans-  
 position, and what's that among Friends?) Yet, with the  
 Doctor's leave, Custom of Speech has so gain'd upon the  
 World, that Men generally receive the former (and which is  
 the Word in that place) for a legal Authority; and the other,  
 for the Power of the Sword; in both which Senses himself once  
 took them, as I have shewn before: Or if there were a Criticism  
 in it, it is no new thing to meet several words, that are restrain'd  
 from their original Sense, and appropriated to a particular  
 Sense, as the words *Sacrament* and *Blasphemy*: And on the other  
 hand, the words, *Bishop* and *Presbyter*, are promiscuously us'd  
 in Scripture, yet (I think) the Doctor will not say, that a Bishop  
 is no more than a great Presbyter, though during the time of  
 his being Bishop, he is above a Presbyter: As the President of  
 the Colledge of Physicians is above the rest, yet himself is no  
 more than a Doctor of Physick. But to pass Criticisms (which,  
 like Proverbs, it may be no hurt to know, yet the less a Man  
 threads 'em, so much the better) I go on with his Matter,  
 the Introduction to which is no more than what he has more  
 than twice said before, and begin with his Case of the Roman  
 Empire.

This Epistle (says the Doctor) was written to the Subjects of Page 20.  
 that Empire, the Titles of whose Emperors were either all of them  
 stark naught, or the very best of them very doubtful, to direct them  
 in the point of Subjection and Obedience: And which (saith he)  
 I take for little less than a demonstration, that this Precept of Saint  
 Paul, cannot be understood only of Subjection to Powers that had a  
 Legal Right. And after an abundance of confus'd Notions,  
 that rather make new knots, than any-wise untie the old, in-  
 stances in our Saviour's Discourses with the Pharisees, about  
 paying the Tribute Money to Caesar. However, for answer  
 to it, if I shall prove, that the Roman Emperors from the  
 first Caesar to Tiberius, at what time this Question about the  
 Tribute Money was made, and from thence to Nero, under  
 whom this Epistle was written (however they might be *Tyranni*  
*in Exercitio*, were not *Tyranni in Titulo*, but) had a legal  
 undoubted

undoubted Title to the Empire, I think the Doctor's Argument will have lost its edge.

Pompey had reduc'd the Jews, and made them Tributaries to the Romans, about Threescore Years before the Birth of our Saviour; and Julius Caesar, who had wrested the Government out of the Senate's Hands, so found them, and was thus far no better than an Usurper: But when the Senate, whose the Right was, had submitted to his Government, and given him those solemn Titles of (*Pater Patrie, Consul in decennium, Dictator in Perpetuum, Sacrosanctus & Imperator*) "Father of his Country, Consul for Ten Years, Perpetual Dictator; Inviolable and Emperour, (which also the Doctor calls, a kind of Consent of the Senate) that Consent of the Senate wrought upon his Possession, and he, from thenceforth, became their undoubted and lawful Emperour: However, Brutus and Cassius kill'd him, and were themselves cut off by Octavius, his Heir and Successour, to whom the Augmentation of Augustus was added by the Senate; it having been first debated by them

Flor. Lib. (*An quia condidisset Imperium Romulus vocaretur, sed sanctius & reverentius visum est nomen Augusti*). "Whether, for that he

4 cap. 12. "founded the Empire, he should be call'd Romulus, but the "Name of Augustus seem'd the more Holy and Reverend. So that before the Time of Tiberius, when this Discourse was, the business was so accorded between the Emperours and the Senate, that the Emperour now reign'd unquestioned, without any Competition of the Senate: In him was the Power quietly seated; the Money superscribed with his Image; Edicts set out in his Name; and he look'd upon by all (without any Rival) as inferior to God only: In which Case of his

Dr. Hammond's

Præf. Cat.

lib. 2. §. 11.

acknowledg'd Power, Christ being born in his Dominions, thinks not fit to make a question of his Right, where there was none made by the Romans; or to dispute Caesar's Title (however acquired by violence at first) when they, from whom it was taken, did acquiesce, and disputed it not. And "therefore, when the Pharisees (a proud, subtil, scrupulous "sort of People, who openly Practis'd against Kings, and presumed to raise War against them, as such is the Character Josephus gives of them) under the colour of Religion and Conscience, but with a real Design of ensnaring him by his Answer, and so bring him within the Compass of the Law,

Antiq. lib.

17. cap. 3.

Luke 20.

20.

ask

ask him the Question, *Master, is it lawful to give Tribute to Caesar, or no?* Our Saviour determines for the Image and the Superfcription, not relying wholly on the possession of Power, as the Doctor will have it now, but the legal Right, as well as the possession of that Power. And therefore when our Saviour had yielded his Obedience to such a legal Right, how can it rationally be presum'd, that *S<sup>t</sup> Paul*, who wrote this Epistle, while the *Julian Family* were yet in being, intended any other than lawful Powers?

Then for what he says, *The Prophet Jeremy's Argument is Prophecy, or an express Command from God to submit to the King of Babylon, because himself having entail'd the Kingdom upon the Posterity of David, they could not, without an express Command from God, subject themselves to any other Prince, while any of that Family were living; which is the Reason that Jehoiada gives, for deposing Athaliah, &c.* — Good God! what's the meaning of all this? when the Scripture says, *Zedekiah* had rebell'd against the King of *Babylon*; and the Prophet *Ezekiel* denounces God's Judgment against him, for breaking the Oath made to the King of *Babylon*: And the same does the Prophet *Jeremiah*; which may remember the Doctor, that an Oath made to a lawful Thing, cannot lawfully be broken. — Then for the Matter of *Athaliah*, the Doctor has answer'd it for me, Two or Three Pages before: However, when he says, *That Joash was first Anointed, and Proclaimed King, before any one stirr'd a Finger against Athaliah*; It makes nothing in the Case, for she was slain in a Hurry without any judicial Proceeding against her. Or were it otherwise, what's that to *England*, where Coronation is only a Ceremony, and not of the Essence of Kingship? And the Doctor gives the Law-Reason of it, for that, "The King never dies, but the same Minute that the natural Person of one King dies, the Crown descends upon the next of Blood; and therefore, he who rebelleth against the Father, and murders him, continues a Rebel in the Reign of the Son, which commences with his Father's Death. — And whereas the Doctor further says, *That Antichrist is to appear under the Fourth Monarchy*; Now, that appearance, and his Kingdom, must be some where; we'll suppose it for once, *England*, and that he set up here, where the Spiritual and the Temporal Power are united; and being

2 Kings  
23. 20.  
Ezek. 17.  
15. 19.  
Jer. 52. 3.

Page 34

Case of Post  
nati. 73.  
Sir Edw.  
Coke 3.  
Inst. 7.  
His Case of  
Resist. 128.

so ( according to the Doctor's now-Principles ) he is invested with God's Power, and we ought to obey him ; and he also by consequence, being invested with the Spiritual Power, the Doctor ought to obey him : But how agreeable this is to God's Care of the Church, of which himself is Head, and of which St Paul says, *What Communication is there between Christ and Antichrist, let any reasonable Man judge.* — But what need I run so far ; the Devil fought with our First Parents, and obtained the Principality of this World ( *Princeps hujus Mundi* ) ; and if the Doctor speaks Truth, those that liv'd before Christ cast him out, ought to have obey'd him.

And truly, while the Doctor thus wildly Expounds those Higher Powers, I wonder he spoke not more plainly to those other Words, *Every Soul*, especially when the *Magdeburgians*, *Junius Brutus*, and some few French Writers have led him the way ; unless perhaps ( like the Country Parson that read *Five hundred for Five thousand* ) he would have us believe that first, though o'my Conscience yet, one's as good Divinity as t'other : For thus say they, That this of *Paul* concerns only inferiour Subjects, not any one in Office, as a Judge, a Justice, or the like ; and that such as they, might take Arms against their misgoverning Sovereigns, and when they did, inferiour Subjects were not to resist such Powers, but join with them against such Sovereigns : Though truly, when I further read the Doctor ( whose Matter lies so scatter'd, that 'tis impossible to take him all at once ) he comes not much short of it, when, Pag. 30. he says, *We are not bound to defend the King, when he takes illegal Methods*, but not a word, of who shall be judge of that Illegality ; least considering what Mischief such Notions make among the Common People ; who, persuade them once they are not bound to defend their Prince, have seldom made it a question, whether they might not Arm themselves ; first, defensively, and, if that prospers, offensively : If not, what has so often arm'd Subjects against their lawful Princes ? Put that distinction in their Mouths, That, not their lawful, but unlawful Authority is oppos'd by them, and they Fight not against the Magistrate, but the Man ? Or what more encourages the attempt, than that if it prosper, God gave it Success, and in that, made it his own Ordinance ? In a word, do but allow this Doctrine, and let a Prince Reign never



never so justly, and have the ill luck, not to please the People, it is but giving him the Name of a Tyrant, and the Work's done. (*Expedebat facto Parricidio Casarem Tyrannum appellari*) Paternulus. It was the least they could do, to call *Cesar* a Tyrant, that they might have somewhat to say, in excuse of the Parricide. But withal, judge the miserable Condition of Princes (*quibus Tribuanus. nisi occidis, de Conjuratiōe non creditur*) when no Man will believe a Conspiracy, unless the Prince be kill'd.

2. The Doctor in the next place observes, *That this gives Pag. 23.*  
the easiest and most intelligible account of the Original of Human Government, That all Power is from God; who is the Sovereign Lord of the World. And for matter of Fact, comes again to the Four Monarchies, which he has already worn Thread-bare, and I have once for all spoken to; but withal says, *The Original of Particular Monarchies is very obscure, for want of History,* which also I have not pretermitted; and throws it from himself to others, in that some think, all Power was Originally deriv'd from the Choice and Consent of the People; but never tells us of what Credit those some are: Or if he had, what signifies Thought, when even himself has so often declar'd against it; with this nevertheless, that he still kept some little Hole to creep out at, as the Prospect of Affairs might be alter'd by Providence. However, as obscure soever as he makes it, the word *particular* tacitly acknowledges, that Monarchy in general was Originally from God; and therefore, might as well have demanded, which was first, the Hen or the Egg? God made all Things in Perfection, And in the Division of the Nations of the Earth, appointed a Ruler Eccus. 17. over every People, as I have shewn before: And himself also 17. confesses, "That God left the Administration of the Govern- His Case of  
"ment to the Will and Pleasure of Kings; which confirms Resist. 19.  
me, that this Original Power, never came from the Choice and Consent of the People; or if it had elsewhere, what had the Doctor to do to start Republican Principles in an Hereditary Kingdom, unless he could make it Hereditary and Elective at the same time? Yet since he's don't, it can be no hurt to bestow a little Ink upon't, that it spread no further. — This we know, "that God charges the Jews to see him over Deut. 17.  
"them, whom himself should chase; which is absolutely 15.  
exclusive of all Choice of their own: And therefore, when

the Doctor talks of the Choice and Consent of the People, he would have done well to have consider'd, that the Proof lies on his part, to shew how they came by it; whether God gave it them, or they took it themselves: If God gave it them, but so long ago, that they cannot make it out, when and where the first Grant was made, let him yet produce some Evidence for them, to justify the Claim; or, at least, some pregnant presumption to render it probable, that there was some such Thing done, though the Record be lost: If none of this be done, then it remains, that they took it; and if so, it was unjust in its first Foundation, and consequently they could have no Power to chuse: And truly, I have the rather insisted on this matter, because the Doctor so often insinuates, *That where the Authority is deriv'd from the People, who shall hinder them from taking it away again, when they see fit?* and an abundance of the like, which makes nothing to his Argument; when yet, if it were so, what Prince can be secure when the People once come to say, *By us Kings Reign?* Or how will he avoid the running foul on several of our Statutes, which have declar'd the contrary: As amongst the rest, The 16 Rich. 2. cap. 5. Whereby it is declar'd, "That the Crown of England hath been ever so free, that it is in no earthly Subjection, but subject to God, in all things touching the Regality of the same Crown, and to none other. — And to the same purpose, the 24. Hen. 8. c. 12. — And the 12. Car. 2. cap. 30. "That by the undoubted and fundamental Laws of this Kingdom, neither the Peers of this Realm, nor the Commons, nor both together in Parliament, nor the People collectively or representatively, nor any other Persons whatsoever, ever had, have, hath, or ought to have any coercive power over the Persons of the Kings of this Realm. And without the Doctor might have consider'd his own Doctrine, *That when the Government is thoroughly settled, it is the Ordinance of God:* And if so, what have the People to do with it?

Page 9.

Page 24.

*Others again (says the Doctor) ascribe this Original to Conquest, and think it gives no Right, but the Submission of the conquer'd People does; yet in another Place, says, Submission is only a forced after-consent, not to make a King, but to own him who has made himself King, and whom, very often, we would disown and reject, were it safe so to do. — But what does the Doctor mean by*

by this; unless, as having comprehended himself in the word *We*, he hints to the World, that he is not a Person of such an obstinate Allegiance, but he can submit to any new Ordinance of God, as the Dispensations of Providence may alter his Prospect? — Or what was his Business to talk of Conquest in *England*; when Conquest cuts off the Laws of the old Constitution; and every Man's Life and Fortune lies at the Mercy of the Conqueror, which makes his Sovereignty absolute, and his Will a Law; and then, what will become of his *After-consent*, when a conquer'd People are all Slaves, and consequently (being not *sui juris*) cannot consent, at least so as to bind their Posterity, more than his Ancestor could him Three hundred Years ago? But why this to *England* (I say) where in all Contrastoes for the Crown, not above One of our Kings ever touched that String, as well knowing, 'twould make but harsh Musick? *William* the First ('tis true) got the Crown by his Sword, and was thence call'd the Conqueror, and like a Conqueror brought in his *Norman* Tenures, dispos'd off several Estates to his Followers, set forth his Publick Edicts in the *Norman* Tongue, and caus'd our Laws to be written in the same, and all Pleadings and Entries to be in that Tongue, till the 36. *Ed. 3.* at what time it was altered by Statute. But *Hen. 4.* the First of the *Lancastrian* Kings, and who wrested the Crown with an armed Hand from *Richard II.* never yet pretended Conquest; but that he entred, and took upon him the Crown, as right Inheritor to King *Henry III.* and not as a Conqueror: And what that Title was, we may see in Sir *J. Hayward's* History of the First Year of his Reign. — So *Henry VII.* with his Three Titles, never set up that of Conquest. — And *Edward IV.* who restor'd the Line of *York*, and recover'd the Crown by Conquest (on a victorious Regress, as the Statute calls it) yet never own'd it as such, but made Title from *Philippa*, Daughter and Heir of *Lionel* Duke of *Clarence*, Third Son of King *Edward III.* — And therefore, why the Doctor should broach this Doctrine to the People, I cannot tell, unless it be to gain a new Reputation with the Mob, who (like those in the *Acts*) are ever itching after some new Thing; least considering in the mean time, they rather want a Pendulum than a Fly, somewhat to moderate, not multiply their Motion: Or unless also, if neither Choice nor Conquest can

fix

fix a Foundation for Government, he may the better bring in *Providence* to help him out with't; Which (says he) requires all Obedience and Submission to a Prince; so set on the Throne, as long as God is pleas'd to continue him, or his Family in it.

However, when the Doctor talks so often of God's Providence, Will, Counsel and Decrees, and the People believe, God Almighty's Ambassadors, know more of his Mind, than other Men, what hurt had it been, if he had told a Stranger, how he might judge of that pleasure of God, and not put it into every Shop-boy's hand, to weigh the matter, and with his peremptory Balance, pronounce a *Mine Tekel* on his Sovereign.

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And now, when one would think he had fixt his foundation of Government, he shakes it all to pieces again, and ultimately resolves it into the Authority of the People, to make Kings, which it is unjust for God himself to over-rule, and alter: And if they have such an uncontrollable Authority, I doubt not (saith he) they will challenge as much Authority to unmake them too. — But what needed that (if) when he had ultimately resolved it into the People, as before: And yet by what means sooner the Throne is gotten is the same thing, the Prince is God's King and Minister, and must be obeyed, if all power be of God.

I have already shewn the difference between God's positive Will and his permissive Will, and therefore need not speak the same thing over again: yet this I may say, if what the Doctor says be true, the consequence of it must be thus, That there was never yet so horrid a Rapine, or Rebellion in the World, but what might justify it self upon these Principles: I'll abandon all History; *Alexander* shall be no longer called a (*Felix prodo*) fortunate Robber, but (*utile Exemplum*) a profitable Example: And *Seneca's* (*Prosperam Scelus*) successful Villainy, a good practical Moral: *Cade*, *Tyler*, *Sirraw*, shall be no longer Rebels; and *John of Leiden*, *Knipperdoling*, *Massinello*, shall stand Candidates for the Kalender. — O but may some say, they were poor Rogues, and receiv'd (*Sceleris premium*) the reward of their Villainy; but then *Cromwell* was more fortunate (—*Tulit hic Diadema*) and got the Crown: and truly now I think on't, Success is very much in the matter, and therefore were I worthy to advise the Doctor, I'd perswade him

him to translate his Book, and send it beyond-sea, for certainly such comfortable Doctrine cannot but do well, for *Re- grade* this Year, and (if he times it right) for *Hungary* the next.

And now I had as good as done with the Doctor, and was just quitting his desultory way of Argument, and coming to his matter of Law, but that his *Rump* Parliament, &c. brought me back again; whose power yet, if what he says be true, was God's Power, though they were advanc'd to it by no better means, than *Thieves* take a *Purse*, or break open a *page 34.* *House*: because, when any Prince, by what unjust means soever, with respect to *Men*, is placed in the Throne, and settled there, he is advanced by God, is the Ordinance of God, &c. And yet *page 46.* under that *Usurpation*, saith the Doctor, the Loyal Nobility, Gentry, and Clergy thought themselves bound in Conscience, to oppose that *Usurpation*, at their utmost peril; and shall we arraign them all, as resisting God's Ordinance, by their opposition to those *Usurp'd Powers*, &c. But what does he mean by the word (all) as if some might be arraign'd, others not? Or rather, why has he not answered his own Interrogation, in determining whether they ought to be arraign'd or not? which is a shuffle to the People, though the Interrogation being in the Affirmative, concludes in the Negative, i. e. we ought not to arraign them: and I the rather took notice of it, because his next Paragraph will allow those Nobility, &c. their not complying with those usurped Powers, to be only a great prejudice, but no Argument, or confutation of his Principles. — Be what it will, it stands as an Example to good Men, and a Caution to wicked Men, how they run into the like Crimes, lest also they fall under the like Punishment. And for the Doctor's Principles, I conceive, the venerable Authority, and the Judgment of two Universities, of which before, might be confutation enough, without being burnt here, as they were at *Oxford*.

And yet to give the Doctor his due, and that he may not be absolutely thought, to have intended that *Usurpation*, for the Ordinance of God, he thinks fit to call it, an open bare-fac'd *Rebellion*; yet that, so tenderly, as if his greatest quarrel to them, were their turning out the Bishops, Deans, and Prebends, sequestering their Livings, if they were of any value, *page 47.*  
line,



9 Hen. 3. *lue, and selling their Lands:* Nor this, without reason, when from *Magna Charta*, to the first of Hen. 8. the advancement of Holy Church, was ever remembered, before the amendment of the Realm.

Moreover (says the Doctor) *Their Government was never settled, but frequently changed, and new modelled, which is no Argument of a settlement; and which is more than that, they had not a National Consent and Submission.*—Yet they had among them, a full twelve years Possession, the whole administration of the Government, and all affairs relating to it; the general Addresses of the Nation; their Parliaments too (such as they were) and whatever conditions the Doctor requires, to a thorough settlement. And this Case of theirs (saith he) seems to be much like the case of Antiochus; who had kept the Jews in subjection for some Years, yet when Mattathias took Arms in defence of their Religion, they justify this Action by saying, That the Government of Antiochus was not settled among them, either by submission or continuance. i. e. Tho' the People were forced to submit to Power, his Government was not owned by any publick National Submission. Now suppose, neither Mattathias, nor any of those with him, said what the Doctor has said for 'em in justifying their taking Arms, as before, I hope, either himself, or some other for him, will confess, that he has dealt dis-ingenuously. — The Story is in the *Maccabees*, and let the Book determine between us. — That Antiochus had by force kept the Jews in subjection for several Years, rifled the Sanctuary, burnt the City, and destroy'd such as would not comply with him, or forced them to flight, is true: But it is also as true, that when he had rebuilt the City, and fortified it, he set up an Idol-Altar in *Jerusalem*, and the like through the Cities of *Judah*, and sent his Officers to compel the People to revolt, and sacrifice to Idols: during this Persecution, *Mattathias*, and his five Sons, had left *Jerusalem*, and dwelt in *Modin*, whither also the King's Officers came, and with large Promises invite him to fulfil the King's Commandment, as the Men of *Judah*, and *Jerusalem* had done: to whom *Mattathias*, thus boldly answered, " Though all the Nations that are under the King's Dominions obey him, and fall every one from the Religion of their Fathers, and give consent to his

page 9.  
page 48.

1 Mac r.  
v. 21. 30,  
31, 38.

Per. 47.  
54.

1 Mac. 2.  
v. 1-15. 18.

Per. 19, 20.

his Commandments, yet will I, and my Sons, and my Brethren, walk in the Covenant of our Fathers: and as he had done speaking, there came a Jew, to sacrifice on the Altar, according to the King's Commandment, whom Mattathias slew upon the Altar, and the King's Officer with him, and pulled down the Altar, and cried through the City, Who soever is zealous of the Law, and maintaineth the Covenant, let him follow me: and so he and his Sons, fled into the Mountains, and such as were voluntarily devoted to the Law, and they that fled for Persecution, joined them. Nor is there more in the Story, which is not long, for the second Chapter ends, with the death of Mattathias. And now, what is the most that can be rationally made of it, but this, That Mattathias did not take Arms in defence of the Religion of his Country, because the Government of Antiochus was not settled among them, by a National Submission, but because, if he had submitted to him, he had violated the Laws of his Nation, and the Covenant of his Fathers: which, I am sure, is so little to the Doctor's present purpose, that in kindness to himself, he might have better tried, whether it would not have kept cold, for another time.

And now the Doctor comes to conclude the whole, with answering an Objection, viz. That the Laws of the Land, (it is said) are the measure of our Duty, and the Rule of Conscience; and therefore, so all contrary to them, is contrary to our Duty to God, because contrary to the Laws of the Land. And this he answers with a distinction, That the Laws of the Land are the Rule of Conscience, when they do not contradict the Laws of God, but when they do, they are no Rule to us, but their Obligation must give place to a Divine Authority: and for so much of it, as that they are the Rule of Conscience, I hold with him; for Conscience being but the Judgment of Reason, applied to some particular act, whereby, upon the joining one knowledge to another, a Man discerns what he ought, for ought not to do, by what possible means can he know, whether his Conscience be erroneous, or not, but by bringing it to the Law, the Touchstone, even St. Paul used, when he said he had not known what Sin was, but for the Law? Not were the Gentiles, when yet, there was no written Law without a Law, (i.e. the Law of Nature, which is the

Rom. 2. 14.

Law of God) imprinted in their Hearts: or otherwise, the same Apostle had never said of them, "When the Gentiles which have not the Law, do by Nature, the things contained in the Law, these having not the Law, are a Law to themselves, their Conscience bearing witness, and accusing, or excusing one another: But for that other part of it: *When they contradict the Law of God, they are no Rule to us.* The Doctor must give me leave to say, That his wild Supposition, is not of force enough to unhinge any positive Law: because, as Scripture is not of private Interpretation, so neither is the Law, which pronounceth nothing, but in the Mouth of a Judge: and therefore, before the Doctor had thus beaten down one Rule, he ought (by some more competent Judge than himself) to have given us another, by which we also might come to discern, when the Laws of the Land, contradict the Law of God: because (for my part) I do not know any Law of *England* that does so, or what may not very well subsist with it: in as much as our Law is grounded upon the Laws of God, and extends it self to the Original Law of Nature, and the Universal Law of Nations.

Lord Chief  
Jesse's  
Post-Nat.  
pag. 32.

24 Hen. 8.  
c. 15.

Cap. 28.  
Can. 28.

But (perhaps) I find where the Shooe pinches, and this of the Doctor's, is but the little Wimple to let in the greater Angre: There is a Statute of ours, whereby it is provided, That no Canons, Constitution, or Ordinance, should be made, or put in Execution within this Realm by Authority of the Convocation of the Clergy, which were contrary or repugnant to the King's Prerogative Royal, or the Customs, Laws, and Statutes of this Realm. And the matter lies here, There are many things in Bishop Ouseley's Convocation-Book, that (to say nothing of the King's Prerogative) are contrary to the Laws, and Statutes of this Realm, which also holds so such Custom, That the "Rebellious rising of disloyal Subjects against their natural Sovereigns; and Authority wrung by force from the true and lawful Possessor, being always God's Authority, ought therefore, when they are thoroughly settled, to be obey'd, not only for Wrath, but for Conscience sake. And that Book is the foundation of the Doctor's Book, and is that he (as I have shewn) contrary to the Laws of our Land,

Land, what becomes of the Doctor's Book? No doubt but he forelaw that blot in his Tables, and therefore to prevent the having it said of both, *Archer's self, and they digged down a Wall*, Gen. 49.6. he cunningly distinguishes, or rather, boldly determines, That where the Laws of the Land contradict the Laws of God, they are no Rule to us; but what, begs the question, That our Laws do so; and therefore ought to be no longer the Rule of Conscience, than as that Book, or himself (the learned Commentator) shall be pleased to allow them, not to contradict the Laws of God. And if this be not his meaning, what makes (the Cobbler beyond his List) a Clergyman dabling in new Hypotheses of Government, contrary to all Mens Sense but his own, and even theretoo, so often inconsistent to himself? Or, when the Bishops (in Convocation) have more than once been inhibited, and commanded, "That as they loved their Baronies (which they hold of the King)" that they in no wise presume, to meddle with any thing that concerned the King's Laws of the Land, his Crown and Dignity, his Person, or his State, or the State of his Council, or Kingdom (*Scilicet pro curia, &c.*) to be sure, if they did, the King would seize their Baronies; what made him, thus unfeared for, thrust his hand among the Heads of so many wise Men, in a matter too, which few of them have yet determined? To tell us one while, *Our Oath to the dispossessed Prince ceases, Cessante Materia*; for though the *Man is still in being, the King is gone*. And then again, *The dispossession does not divest a Prince of his Legal Right, because a Legal successive Right, bars all other humane claims*; and if so, how can the Obligation of an Oath cease, while (as the Doctor says) the Man is still in being? And what's the meaning of all this? Is it the mark or privilege of Pedants, that they alone engross Nonfence? Can they with *Dabnas* (in *Ignoramus*) say, *Consciantur ad nostrum usum*? If not, let them on their better thoughts, yet tell us, just how far, and no farther, we may take the Devil's Road, in our way to Heaven; let them, if they will not enter themselves, not shut it against others, or at least, if they cannot shew us the way, not put us out of it, as certainly, all those do, that vent their Malice, and Interest, under the Cloak of Religion, and thus presumptuously dash the first Table, against the second.

Sir H.  
Coke's  
Inst. 4.322.

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page 26.

page 53.

Nor is this the only place where I have shown him, how the Church of England are beholding to him; whatever that may be, the present Government owes him no thanks for his King *de facto*: An expression, never yet given any of our Kings, during their having the Crown, nor after their death, or Collation, without Obloquy; However the Doctor says, *It is the declared Opinion of some of the best Lawyers of former days, and the most common, prevailing Opinion still, That our Laws require Allegiance to a King de facto, without a Legal Right; and for the proof of it, vouches the Lord Chief Justice Coke; the Judges in Bagget's Case; the Lord Chief Justice Hales; and the Lord Chief Justice Bridgeman, in the Trial of the Regicides, in answer to Coke's Plea; who allow'd the Law, but would not allow his Case to be within the purview of it: And if they, or any of them, said any such thing, they had not it, seems, the same consideration, as had the King's Justices, 39 Hen. 6. who being required, by the Lords, in Parliament, to give their advice and Counsel, touching the claim and title of Richard Duke of York, to the Crown of England, then lying before them, gave this answer, "That the matter was so high, and touch'd the King's high Estate, and Regality, which is above the Law, and passed their Learning, wherefore they durst not enter into any Communication thereof; and therefore humbly besought all the Lords, to have them utterly excused. And who knows, whether the Gentlemen before vouch'd, were of that Opinion, the Doctor says they are?"*

page 55.

25 Ed. 3.

c. 2.

3 Inst. 7.

I'll begin with Sir Edward Coke, (for the Lord Chief Justice wrote another stile) where the Doctor says, *As if the design of a late Learned Author, to prove that the Lord Chief Justice Coke was mistaken in his Opinion, That the Statute of Treason is to be understood of a King in possession of the Crown and Kingdoms, for if there be a King regnant in Possession, though he be Rex de facto, and not de jure, he is Seigneur le Roy within the purview of this Statute, &c. To which I answer, 1. That it is not clear, whether in the Paragraph where those words are, he intends not the Statute 11 Hen. 7. c. 1. to which he refers in the Margin with a Vide. And this the rather, for that speaking of the words (le Roy) in the former Paragraph, he says it is to be understood of a King regnant, and*



not of such that hath the name of a King, or a Nominative King; and (by way of Antithesis) instances in King Philip, who married Queen Mary, and was but a Nominative King; — for the Office and Dignity of a King, was in Queen Mary; and he having the name, but not the Office and Dignity of a King, was not within the Act of 25 Edward 3. And therefore an Act was made, That to compass, or imagine the Death of King Philip during his Marriage with the Queen, was Treason. Secondly, The Lord Chief Justice Coke saith, Allegiance and Faith is due to the King by the Law of Nature, which is part of the Law of England, and immutable; and consequently, must be meant of a King *de jure* for neither doth the Law of Nature countenance injustice, nor did the Constitutions of this Realm, at the time of making of that Statute, know any other but a rightful King. 3dly, Sir Edw. Coke from the time he had been removed from the chief Justiceship, and made Sheriff of Buckinghamshire, was a known dissentient, and lay at catch upon the Court, as may be seen by his Motto *Prædens qui pariens*, and his transactions in the Parliament of 3 Car. I. And what weight such a single Authority carries withit, I leave to every Man.

1st. and 2d.  
Ph. and  
Mar. c. 10.

7 Coke 12

The Doctor's next vouches, are the Judges in *Bagger's Case*, which is the very, and only Authority (besides that of his *vide* in *Hem. 7.*) that Sir Edw. Coke quotes in his Margin, to confirm his Opinion. And here the Doctor trips in the very Porch, when he says it was concerning the validity of *Bagger's Patent of Naturalisation* (because the King can no more naturalize, than restore to Blood by the Act of Parliament) granted page 61. by Hen. VI. who was only King *de facto*, though it were not confirmed by the Statute, 1 Ed. 4. And which he seems to urge, as the words of the Gentleman, mentioned in the former Paragraph, whose Book I never saw, but believe them mis-recited, because if the Patent were good, though not confirmed, there's an end of the dispute, and the Doctor might have spared that answer to the matter, which yet he has given but lamely; however, the Case it self will clear it better.

It was in an *Alize* brought by *Bagger* for the Office of one of the Clerks in *Chancery*; to this the Defendant Pleads, that the Demandant *Bagger* was an Alien born; (to wit) at

Don-

- Pontific in France*, out of the Ligeance of the King of England, &c. To which *Bage* by protestation, that his Father and his Mother were *English* born, for Plea saith, that *Hen. VI.* 10. Reg. 30. did grant him Letters of Legitimation (or Denization), and that he was born of *Duchess* in the Batchy of *Normandy*, within the Ligeance of the King of England, &c. (and in favour of the Patent it was argued, That though *Henry VI.* was an Usurper, yet his Letters Patents, being on Act which toucheth the Jurisdiction Royal, shall be good, and bind the King *de Droit*; and that *Henry VI.* was not merely as an Usurper, because he claimed the Crown as entailed to him by Act of Parliament, on the other side: Then shall the King be in a worse condition than a common Person; a Disciple re-enters, he shall avoid all mean acts of the Disciple; so the King, as being in, by ancient Right, from King *Richard II.* And in the Act of *Exemption* Provision is made for grants of Wards, of Licenses, of Amercement, Charters of Pardon, and Acts judicial, but of this no Provision, and therefore void; and which is very remarkable, it is entered at the end of the Case, with a mark on the Margin, That this day the Justices did not argue, or give any opinion in the case but only, *Let Serjeants & Apprentices de ley*. After which it was argued again, and there also the Justices spoke not a word to the Letters Patents, or of a King *de facto*: neither also the Term following, which was the last day, and where the whole Record is at large; and therefore Sir *Edw. Coke* has overshot his Mark, in giving out that, which is not in the Book; nor were he to be so easily excused, but for what he says in the Title-page, *Hic ego grandis posui*. To which if it be said, that Judgment was given for *Bage*; I grant it, with this; that the Case was a new Case, never heard of till then, and therefore, if Judgment had been given upon the Letters Patents, it is not to be doubted, but we should have found it in the Book; whereas on the contrary, the Justices did not so much as speak to it: nor was there any need of their so doing; for *Bage* having set forth, that his Father and his Mother were born in *England*, and himself, though born in *France*, yet within the King's Ligeance, he was within the Statute, *De nativitate altera*, and thereby enabled, to have and enjoy any inheritance

9 Edw. 4.  
fol. 1, 2.

7 Hen. 4.

9 Edw. 4.  
fol. 5.

25 Edw. 1.  
6. 1.

taken to him the King's Lignage as, other Inheritors: and if an Inheritance, must move an Office: and therefore, it may be presented; the Judge gave Judgment for Bagges, merely upon his Title, without any regard to his Patent.

And now that the Doctor relies so much upon what the Judges in this Case did not say, he must give me leave to tell him what the Parliament Roll, retained in that Case, ( fol 6. ) doth say: viz. *That upon the Death of King Richard II.*

Rot. Par.

"the Citizens by Law, Custom and Consistency defended and

1 Ed. 4.

"belonged to the Edward, Earl of March, under whom King

n. 8.

"Edward IV. reigned: And that Henry IV. against Law,

"Conscience, and Custom of the Realm of England, usurped

"upon the Crown and Lordship thereof: And Henry V. and

"Henry VI. occupied the said Realm, by unrighteous Intru-

"sion, and usurpation; and no otherwise: And in the

"Printed Statute of the same Year ( fol 14. ) they are declared

"usurpers, and called Kings in Deed, and not in Right;

"and their Reigns pretended Reigns, and themselves pre-

"tended Kings; such as did not reign lawfully, nor possess

"the Crown by a just Title. And when in the 1<sup>st</sup> Edw. 4<sup>th</sup>

"Hen. VI. had again gotten the Crown, and call'd a Parlia-

"ment the same Year, where many things were wrought to the

"dishonour and destruction of Edw. IV. yet upon Edw. IV.'s

"beating him out again, the Parliament of that Year calls that

"Parliament, so call'd by Hen. VI. "A pretended Parliament,

17 Ed. 4.

"unlawfully, and by usurped Power, summoned by the Rebel

cap. 7.

"and Henry, to our Sovereign Lord the King, Henry VII.

"late in Deed, and not of Right King of England; and the

"said pretended Parliament, and all Acts, Statutes, &c. had,

"nor enacted by the Authority of the same, are reversed,

"cancelled, and declared void, &c. So that the Doctor may

"see what those Parliaments thought of a King *de facto*, when

"the continuation of the Injury by these descents, alter'd not

"the Nature of it: And if he shall show me that this distinc-

"tion of a King *de facto* and a King *de jure* was ever heard of,

"till this first of Edw. IV. (at which time it was first invented

"in Parliament, not as a *salvo* for the Kings of the House of

"Lancaster, but in contradiction to a King *de jure*.) Or

"that this Expression was ever us'd concerning any of our Kings,

"during their having the Crown, or after their Death, or Cer-

tion

son, without Obloquy, I give him the Cause; and being for I think he had little to do, to trump them now.

pag. 53.

His next voucher is the Lord Chief Justice Hale, concerning whom I shall only say this, that I cannot believe he ever said, That our Laws allow and require Allegiance to a King *de facto* without a legal Title, until the Doctor (whose part it is to shew it) names the Book where he said it; it being his way, as well here, as in most other of his Authorities, to throw it out boldly, without shewing where one may find the Matter for which he vouches; not unlike a Gentleman I once knew in this Town, who (in spite of his Stairs) had set up for a Scholar, with Titles of Books, and the Names of Authors: Yet now I think only, there is an excellent piece of *Plea of the Crown*, (printed at first without my Name to it, but since taken to the Lord Chief Justice) in which he requires no Opinion of his own, but makes it a kind of summary of all that can be found in the Books touching that Matter: And in his Chapter of Treason, (speaking of the Statute 24. Edw. 3.) says thus; *A King de facto, and not de jure, is within this Act: And a Treason against him is punishable, though the right Heir get the Crown; but vouches no other Authority for it, but Sir Edward Coke; and with him stands in the Case of King Philip (of which before) so that still the Authority depends singly upon Sir Edward Coke; and Sir Edward Coke stands singly upon Baggot's Case; and if that fail (as I have already shewn how it does) what more can be made of it, than that it is but *Gratis dictum*, by both? And for that other part of it, "That Treason against a King *de facto*, is punishable, though the right Heir get the Crown; who denies it because it was an offence against the convenience of the Government, and against the King *de jure* also lawless (as the Doctor has well observed) never dies: but the Chief Justice does not say, that Treason against Cromwell (as the Law then went) was punishable by King Charles the Second, upon his Restoration, though the Murder of his Royal Father was."*

And lastly, the Lord Chief Justice. *Bridgeman*, whom, in the Tryal of the Regicides, in Answer to Coke's Plea, the Doctor will have allow'd to be Law (i. e. the Law for which he vouches him) but not his Case, to be within it. And here the Doctor must give me leave to tell him, he begins with another

mistake;

mistake; for Sir Orlando Bridgeman, who manag'd that Tryal, was not Lord Chief Justice at that time, but Lord Chief Baron; but I will not quarrel about Words, let the Matter speak for it self: and that it may the better do it, it is but requisite, that I set forth so much of the Case as may render it the more intelligible to the Reader. In short, Coke was indicted for High-Treason, for compassing and imagining the death of King Charles the first; in that he, with others, did assemble at Westminster-Hall, and propos'd, consulted, contriv'd, and imagin'd the said Death; and for the bringing about that horrid Conspiracy, assumed a Power, then to kill and murder him, *Contra formam Statuti*, &c. To which, (upon his arraignment) he pleaded, *Not guilty*: And after the King's Evidence upon his Tryal, had given in what they had to say against him, he humbly propos'd (which is not the Language of a Plea, as the Doctor is pleas'd to call it) that if it had not been made appear to their Lordships, that he did ever propound, consult, &c. the death of his Majesty, "then he hoped he could not be found guilty, within the 25. Edw. 3. for he was appointed (by the then Powers) to give his Advice concerning a charge, and ordered, to be of Counsel, for the drawing it up, which the Court admitted: And then (said he) I humbly conceive, that cannot be said to be done maliciously, or advisedly, or with any wicked Intent, which I was requir'd and commanded to do, acting only within my Sphere, and Element, as a Counsellor, and for my Fee, which may be call'd *Avaritia*, but not *Malitia*. Then (speaking of those high Courts of Justice) there hath been (saith he) an Act, that calls them Tyrannical, and Unlawful Courts, but a tyrannical, unlawful Court, is a Court *de facto*, though not *de jure*: This (meaning the Regicides) was a Court, had Officers attending them; some say, they had Authority; and the order of the Commons, may be said to bear him out, for acting according to it, because there was no other Authority *de facto*: which is the full substance of his defence, as far as it any wise relates to the Doctor's matter, and offer'd by him, by way of extenuation, not Plea.

V. the Tryal  
in Quarto.  
page 146.

Ibid 152.

Ibid 154.

Ibid 155.



- Ibid.* 156. To this Mr. Solicitor (upon summing the Evidence) answered, "That what he had said, was like a Lawyer, the best his case will bear; but withal, a great aggravation of his Crime, that he, that knew the Law so well, should so much transgress it. And lastly, the Lord Chief Baron to the same purpose: Other Men (saith he) may be impudent and ignorant, but you that were a learned Lawyer, your being of Counsel, doth aggravate the thing: And when he comes to the Doctor's words, "*De facto*, you (saith he) Mr. Coke, say there was an Authority *de facto*, which you urge up on the Statute 11 Hen 7. (which by the way, Coke never mentioned in his Defence) these Persons had gotten the Supreme Power, and therefore, for what you did under them, you desire the equity of that Act: saying withal, it was denied to some (meaning the Royalists that served King Charles I.) God forbid it should be denied you. If a Man serve the King in the War, he shall not be punished, let the Fact be what it will. King Henry VII. took care for him that was King *de facto*, that his Subjects might be encouraged to follow him; to preserve them, whatever the event of the King was: but for that, the intent, and meaning of the Act was clear against him; it was to preserve the King *de facto*, how much more then, the King *de jure*; and further shews him, how that *de facto* he had urged, was not such: And as to that other part of his defence (in the preceeding Page, which I had forgotten) That an unlawful Court, is a Court *de facto*, and there being no other then, but an Authority *de facto*, it might be said to bear him out, &c. His Lordship adds this, "That it rather aggravated the Fact, to him, and his Profession, in that they took upon them *figura judicii*; and takes the distinction between a standing Court, and a Nominal Court, set up by a part of the Commons: And upon Coke's moving in arrest of Judgment, closes with this, "That the Profession of a Lawyer, will not excuse any Man from Treason. From all which it appears, that neither the Lord Chief Baron, or Court, did (as the Doctor says) allow what Coke urged in his defence to be Law; because if they had, they must also have allowed that Authority *de facto*, under which he acted, and at what time, there was no other in being, to have been a justifiable

Authority, and consequently, directed his Jury, to have acquitted him.

And now, when the Doctor has told us, what the Lord Chief Baron did not say, touching a King *de facto*, it may not be amiss, to see what he did say, touching a King *de jure*, as there's no one but acknowledges, King Charles to have been.

And this (saith the Chief Baron) "I deliver to ye for plain and true Law: No Authority, no single Per-

His charge  
to the  
Grand Ju-  
ry, p. 11.

son, no community of Persons, nor the People collective-ly, or representatively, have any coercive Power over the King of England.

It was the Treason of the "Spaniards, in Edward the Second's time, That all Homage and Allegiance was due to the King, by reason of the

Crown, as they called it; and thence drew this execrable Inference (among others) That if the King did not de-

mean himself according to Right, because he could not be reformed by Law, he might, *per assercio*, and by harsh

Imprisonment. — The Book, 1 Hen. 7. calls the King the Lieutenant of God; immediate from God; and saith,

Page 12.

he hath no Superiour; is head of the People, of the Commonwealth, and the Three Estates. — The same

do our Statutes, 24 Hen. 8. cap. 12 — 25 H. 8. c. 21. The 25 Edw. 3. calls the King, our Sovereign Lord the King. —

The same  
do all our  
Statutes.

When the Lords and Commons in Parliament, apply themselves to him, they use this Expression, Your Lords and

Page 14.

Commons, your faithful Subjects, humbly beseech. — The 1 Jac. 1. recognizes, that the Crown of England was

lawfully descended on the King, and his Progeny. — The 1 Eliz. the same, as to her. — And in the Oath of

Supremacy, we swear the King Supream, and the only Su-

pream; and being so, there is neither Major, nor Superiour. But not a word all this while, of an Authority *de facto*,

Page 17.

further than this, "That if any Man shall shroud himself under such a pretended Authority, it is so far from an Excuse,

that it is an height of Aggravation. And now in such a case, what shall an ignorant Man do? Shall he believe the Doctor, or the Vouchee himself? — And therefore, since

the single Authority of Sir Edw. Coke has so much to be said against it; since the Judges in Bagget's Case, give no Opini-

on in it; since the Parliament-Roll, recited in that Case,

stands directly against it: Since the Printed Statutes of that time, speak so irreverently of it; since the Lord Chief Justice *Hales*, and Sir *Edw. Coke* stand, and fall upon the same bottom; and lastly, that the Lord Chief Baron *Bridgman*, has said nothing in favour of the Doctor's Assertion, and on the contrary, so much against it; I say this for all. That as neither the Church of *England* has been beholding to him for fathering that on them they make no pretence to, so neither is the present Government, in bringing no better an Argument in defence of it, than that of a *King de facto*; of which, the Statutes so lately mentioned, have said so much, that I need say no more. — This only, (with all reverence to the Doctor) that when he puts it to the World, whether it is not possible but he may be an honest Man still, though he may be thought mistaken: I also close with this, that it is not mine to judge him; he stands and falls to his own Master. — Let his Book praise him in the Gate.

An

## An Answer to the VINDICATION.

**A**N D now, just laying by my Pen, what should I hear, but a Second Part to the same Tune, viz. The Doctor's Vindication of his Case of Allegiance due to Sovereign Powers, &c. and finding it to be much the same matter, which in this present discourse, I have already spoken to, I resolved to put it in the same Case, and answer both together.

For here also, he lays his Foundation on the same bottom that he laid his Book (to wit) those remarkable words (as he calls them) of Bishop *Overal's* Convocation-Book, "That when ambitious Kings by bringing any Country into their Subjection, or disloyal Subjects by their rebellious rising against their natural Sovereign, have established any degenerate form of Government among their People; the Authority either so unjustly gotten, or wrung by force from the true and lawful Possessor, being always God's Authority, is ever (when such alterations are thoroughly settled) to be reverenc'd and obey'd, &c. In answer to which, I still stick to the reasons I have before offered, against the Authority of that Convocation-Book, pag. 3, 4. "A Book (saith the new Observator) which had never been much taken notice of, except for the Doctor: nor without reason, for it seems to trim with every Party, and becomes all things to all, that it may gain some: For the *Hollanders* are obliquely vindicated; Republican Principles are not altogether condemned; and the most desperate Rebel not bid to despair, for his Authority is God's Authority, if he prevail. But then how does this agree with that maxim in Morality, That, *Bonum oritur ex integris*; and in Christianity, That we must not do evil, that good may come of it? O but says the Doctor, when it is thoroughly settled, 'tis quite another thing: But says the Law of England (*Non confirmatur tractum temporis, quod de jure non subsistit*), Length of time makes nothing Lawful,

Cap. 28.  
Can. 28.

Vol. 3.  
Num. 18.

1 Inst. 35.

ful, that was not so at first. In short, the Advertisement of that Convocation-Book to the Reader, that calls them Acts and Canons, would have done well to have shewn who made them so; or where they were ever allow'd, or publish'd, as the Canons of the Church, which a bare *Placet* carries not Authority sufficient to do: Besides, it is further said in the said Advertisement, that it has been supplied in some casual defects, from another M. S. but says not by what Authority it was so supplied, or which was the right Manuscript: In a word, the *Placet* *eis*, goes no farther than the last Chapter of the first Book, which only pass both Convocation-Houses: The second Book, has the words Chapter and Canon, but not one *Placet* *eis* to it; and wants the attestation, the first Book has: The third Book has no Canon, but only so many Chapters, and *Placet* *eis* to every one of them, and Signed *John Overal*; and thus attested at the end, *Hæc omnia subscripta per Littera sum in domo inferiori Convocationis in frequenti Synodo Cleri, & unanimi consensu comprobata.*

*In testor, Johannes Overal, Protocutor.*

Which *hæc omnia*, can only relate to the lower House, because it wants the attestation of the upper House. So that the Book it self seems perplex without that, that the King did not ratifie it; which he could not well have done, without allowing a Plea for all Usurpers, and (in a manner) signing a Warrant to un-king himself. However, the Doctor still melts himself under the Church of England, in saying, *If he errs in following the Convocation, he errs with the Church of England, if we may learn the Sence of the Church, from a Convocation.* How contrary yet soever it be to their Doctrine and Principles, as I have shewn before, page 4. 15, but shews not a word of any other publick Act of the Church, or the Opinion, or Practice of any one that owned their Principles, in favour of the Doctrine he now fathers on them: and therefore, how far they are beholding to him for it, I leave to themselves.

However, say what any Man will, the Doctor has his Subterfuge, and has so earth'd himself under that Convocation-Book, that 'tis almost impossible so to unkennel him, but that he's still earthing again: Or else, what makes him thus tell-

ing



ing us what the Convocation means? And, let other Men distinguish how they will, he distinguishes as the Convocation *Ind. p. 4.* does; *and the Afsentee to be Wicked, but the Power and Authority is Gods, which is all the distinction the Convocation makes:* But I am of Opinion, the Pirate spoke it better (when having rifled a Temple, and had a good Gale to carry him off) See (said he) how the God's favour sacrilege! which certainly must be one, or both their meanings too, when, without distinguishing between God's permissive Will and his positive Will, they make God concur to the Wickedness of Man: as I have shewn before, *Page 2, 12, 13, 14, 21.* And once allow this Doctrine among Christians, the *Turk* will not want wherein to glory; the *Alcoran* may pass for *Gospel*, and *Mahomet* shall be no longer an *Impostor*. It is not many Leaves past, that I advis'd the Doctor to translate his Book, and send it to *Hungary*; but now I'd propose him a shorter Expedient: The Conversion of Souls is incumbent upon all Men, in Christian Charity, more especially on the Doctor, as a Minister of the Gospel; let him take an ignorant Infidel, or Heathen, that knows no more of God, than what the Light of Nature prompts him, and (in some Language that he understands) read to him, what he so often urges, from his Convocation-Book; tell him (if he thinks fit) what a Convocation is; that himself believes as the Convocation believes, and the Convocation believes as he believes; and why, but because it is the Doctrine of the Church of *England* (as the Doctor so often asserts it to be) and then ask him, if he'll become a Christian? For my part, I dare thus far answer for him, that he'll take time to consider it; and (perhaps) at last, keep where he was. But to proceed:

Who would not break his Spleen, to see the Doctor thus labouring his Oar, and all to prove, That the Convocation, by successful Rebellion, meant no other than Government illegally acquired? *They were both grave and wise,* says the Doctor; the same say I; and as an Argument of it, what need a Man go further than that Parenthesis (when thoroughly settled) to which, besides what I have already said, *Page 4, 5, 6.* I add this to the Doctor, who relies so much upon it, whether if a Layman had said it, it had not been a shuffle to bring him off again; at least, a kind of back-door to slip out at; as he shall

shall see Occasion? He that set the End of the World, to have fall'n Ninety-two Years from the time he wrote it, took care not to be disproved in his own time: And he that had read, A Raven would out-live a Century, and bought one to try the Truth of it, never liv'd to make the Experiment. But what's this to the Doctor, when — *Ea cura Nepotes*, will serve his turn, as well as that *thoroughly settled*? Unless himself also is on his Voyage to *Anticyra*, in saying, *This meaning can never disturb any Government, till a Nation is fitter for Bedlam, than to be directed by a Convocation*: King James, it seems, thought it might disturb his Government, and therefore never ratify'd those Speculations; which if he had, I will not say he had been fit for Bedlam, but in a fair way for it.

But the Doctor thinks he has not sufficiently explain'd himself, neither (in truth) do I: And therefore (says he) a full and stable Possession, without Right, must be confessed to be a Settlement, though not a rightful Settlement. The Government was settled in fact in the Three Henries, &c. As to which last I have already spoken, and I hope fully, Page 39. But as for the rest, I must deny, that Possession without Right, was ever said to be full and stable; because it is defeasible at the will of him that hath the Right; and consequently, can neither be full, stable, nor settled: full it cannot be for want of Title; because, a Title by wrong is no Title; nay, the very word imports as much; for what in common acceptance do Men take the Word full for, but such as requires nothing to perfect it: And the same does the Law, (*Id est perfectum, quod omnibus partibus constat; & nihil est perfectum, dum aliquid restat agendum.*) That is perfect, that has all its Parts; and nothing is perfect, while there yet remains any thing to be done. Then again, stable it cannot be, because it is liable to be overthrow'n, for want of a solid Foundation: whereas the word *Stable* (whether we take it from the Latin, *a stando*; or from the Saxon word *Staple*) imports somewhat that is fix'd and permanent, and of which a Man may be said to have a stay or hold. And if it be neither full nor stable, I need not make it a Question, whether such a Possession be a Settlement, or not?

But I dwell too long upon this Convocation, especially when the Authority of their Decisions sticks so much with me;

me; and therefore I shall refer to some of the Doctors, who  
Master, with this only (as I said in the Epistle) that where  
he urges any thing that I have answered before, I shall refer  
my Reader to the Page. The matter of *John* I have spoken  
to Page 30. and where he saith *Legal Power*, for the  
such Powers, as have the *Rightful Authority of Government*,  
concerning to the *Law and Constitution of the Kingdom they govern*;  
I agree it with him: but that this is the reason of the distinction,  
between a King de facto and de jure; I must deny it him. For  
the Three *Medes* had the Possession of the Crown for Three  
centuries, yet were never said to be settled, because of the  
rightful pretences of the House of York, nor were they ever  
called Kings, *de jure* in their own time, and Kings *de jure*, I  
think the Doctor will not say they were: But afterwards,  
when *Henry IV.* and *Henry V.* were dead, and *Henry VI.*  
had lost that Possession to *Edward IV.* the rightful Heir, then,  
and therefore, came up that distinction of a King *de facto*,  
and *de jure*; an Expression invented in Parliament, to denote  
an unlawful, pretended, or pretended King of Kings, (which  
they declare *Henry IV.* and *VI.* to have been, in contra-  
distinction to the hereditary Right of the House of York,  
which they also declare to be in *Edward IV.*) as I have at large  
spoken to in Page 30.

And for what the Doctor says, *If Swallow of the King gives*  
*a boy at Rights, who is become of the Right of the House of York, when*  
*the Duke of York swore Allegiance to Henry IV.* I answer, as to  
the House of York, it was where it was; that Duke of York,  
whoever he was, being not King; and as to the Doctor, that  
he deals disingenuously in not telling his Reader, where he  
may find what he urges, whereby he might examine the truth  
of it; which, more especially might be required in this Case,  
inasmuch as it relates to the then, not yet determined Right  
of the two Houses of York and Lancaster. We'll suppose it  
for once to have been *Edmund Langley*, Fifth Son of *Edward III.*  
and Duke of York, Contemporary of the said *Henry IV.* But  
say it were, what makes that in the Case? when *Edward IV.*  
made no Title from *Edmund Langley*, but from *Philippa*,  
Daughter and Heir of *Lionel Duke of Clarence*, Third Son of  
the said *Edward III.* Or if he had been King, by what Law  
could any King of England divest himself much less  
H any

- any collateral Ancestor, but the right Heir? This I am sure, If it could have been done, we want not precedents to have open'd a way to it: *Richard I.* resign'd his Crown to the Emperor: King *John* surrender'd it to the Pope (and this too, *cum communis consilio Baronum*.) *Henry III.* granted to *Monfort* and his Complices, all his Regal Power, and absolv'd his Subjects of their Obedience, (*Casi in nullo nobis teneretur*) if he infring'd the Charter then made them: *Richard II.* gave it up (and this too by consent of Parliament) to *Henry IV.* *Edward VI.* did what he could to have turn'd it out of the right Chancel; But what became of all? Just nothing: And what is very remarkable to this matter, the Lords and Commons in full Parliament declar'd,
- 42 Edw. 3. 4. Inst. 14. "That they could not assent to any thing in Parliament, that tended to the dissension of the King or his Crown, to which they were Sworn. Which being true, I do not see, if the Prince that has the right to govern, had a mind to submit to him that has the Possession, not the Right, how he could legally do it, at least so, as to bind his Heirs.
- And for what the Doctor further says, *That Josiah was first anointed and proclaimed, before any one dur'd a finger against Achaziah, I have also spoken in that Page 22, 25.* And shall only take notice of what the Doctor urges in the same Pages, *That our Priests in the old Testament did ever depose from their Crown, any of their Kings, how anointed before, or had any Authority so to do.* And if they had no Authority to do it, much less had those of 1648. of whom before: Nor is what the Doctor further says, to be pass'd without remark, viz. *When God nominated any King (among the Jews) and gave command to his Prophet to anoint him, it was always for life; and though during his Life, he might nominate another to succeed him after his Death, as he did David to succeed Saul; yet he never nominated another to take his Life and Crown from him. David was anointed, but never pretended to the Crown while Saul lived, because there was then no anointed King on the Throne.*
- And for what the Doctor says of *Jeroboam*, &c. I have also answer'd that matter, Page 8, 9. And, says he, the fundamental mistake which runs through all these kind of Arguments is this, *That Men make the Events of Providence in private Injuries, Thefts, Robberies, Encroachments, &c. to be the same with God's*

disposal of Kingdoms, and to have the same Effects; whereas, God has cret'd humane Judicatures to judge of the first, and refer'd the second to himself. And brings in Horace to teach us the difference of Regum, timendum in populo; Greges, mollior est conditio; Reges in ipsa Imperiorum sunt Jovis.

Subjects are under the Government and Correction of Princes; Princes under the Government of God; Which I must acknowledge to be the first time that I ever met the latter verse taken in that School, but always on the contrary, i. e. Kings are only accountable to God, not to their Subjects; because every Sentence being to be given by a Superior upon his Inferior, how can a King, who has neither Equal nor Superior in his Realm, be judged by his Subjects, who are all his Inferiors? And how distant is it to common Understanding, to conceive so meanly of the Divine Providence, as that a Sparrow falls not to the Ground without it, yet that it regards not humane Right in the disposal of Kingdoms, which is the principal act of Providence. Does God command us to do justly, and shall we believe the Almighty will pervert Judgment? Has God imprinted in every Man the Law of Nature, and confirm'd it with unwritten Law, (and yet by some secret Reserve, bound him to another which he has no possibility of discovering?) Far be the thought; especially, when God permits many things to come to pass, in which his positive Will in no wise concurs, as I have shewn before, Page 9, 12, 13, 14, 21, and I hope fully. Which being so, of what dangerous consequence must it be to scatter such Notions of God among the common People, whose Souls are sense, and with whom a handsome Gloss was ever as good as the Text. Does God, may they say, not regard humane Right in the disposal of Kingdoms, then certainly he cannot be angry with one of us, for dispossessing a Neighbour of his Farm, especially when, if it succeeds, God seems to approve it. Nor is it a new Doctrine; (*Atque interitur quid fecerit Jupiter, &c.*) Men more regard what *Jupiter* did, than what *Plato* wrote, or *Aristotle* taught. The young Fellow in *Terence* justify'd his Rape, from that of *Jupiter's* ravishing *Danae*; *At ego hominibus non facere, sed imitari feci & imitator.*

Case of Al.  
leg. p. 12.



For what follows, *That the Laws of the Land are the Rule of Conscience, when they do not contradict the Laws of God; but when they do, they are no Rule to us.* I have also spoken to that, Page 33, 34. As also to that of *Daniel 4. 17. Page 10.* And to his *Rom. 13. 1, 2. Page 21, 22, 23, 24.* And that of *Cromwell, Page 6.* And so finding the Doctor gotten into his Convocation-Book again, I was once thinking to have left him in it: till remembering I had not yet spoken any thing to the Story of *Jaddus's* Submission to *Alexander*, while *Darius* was yet living (and that only, for the sake of the Authority of that Convocation-Book stuck so with me) I went finding the Doctor urging it again, I resolv'd at last to close with it, as I find it in *Josephus*, from whom it is taken.

Vind. p. 18.

Josep. lib.  
Antiq. 11.  
cap. 8.

*Jaddus* was High Priest of the Jews at what time *Alexander* had rais'd *Gaza*, and was preparing to fall suddenly on *Jerusalem*. On this *Jaddus* was afraid, not knowing how to gain the Favour of *Alexander*, whom, on the other side, he knew to be displeas'd with him, as having formerly disobey'd him; and therefore, commanded the People to make their Prayers to God; and himself in person offer'd Sacrifice, beseeching him, that he would be pleas'd to Defend and Succour the Nation from that imminent danger.

The next Night God (it is said) appear'd to him in his Sleep, and bad him be of Courage; and that cloathing the People in white, and accompanied with them, he and his Priests in their Priestly Garments, should go forth to meet him, which they accordingly did, at *Susa*, and gave him a most Royal Entertainment, far different from that of other Nations.

The Army expected the plunder of the City: when, on the contrary, upon the sight of *Jaddus* in his High Priest Robes, with his Plate of Gold, whereon the name of God was written, *Alexander* advanced before his rest, and fell prostrate on his Face before that name, saluting first the High Priest: And at the same Instant, all the Jews saluted him with one Voice. On which, *Parnio* (for no one else durst come up to him) asking him what he meant, to adore the Priest, when all the World adored him? I adore not (said *Alexander*) him, but that God whom the Priest worshippeth; for in such a Habit as I see him now, I saw him in my Sleep, at *Dio* in *Alcandon*, while

while I was consulting how I might conquer *Assyria*, and he counselled me to make no delay, but go on boldly, and he would be my Guide, and deliver the *Persians* into my Hands; and now beholding this Man, and recollecting the Vision, I hope my designs shall have a happy Issue. And being come to the City, he offered Sacrifice, according to *Jadith's* direction; and the day following, granted their Request, That they might be permitted to live, according to the Laws of their Forefathers: and caused it to be Proclaimed, That if any of them would bear Arms under him (and live according to the custom of their Nation) he should be received; on which, divers lifted themselves under him. All which I have faithfully related according to *Josephus*, and have been purposely the larger in it, because so much is to be said concerning it.

If that of God's appearing to *Jadith* in his sleep, be true, it makes clear against the Doctor, in that his Submission was not voluntary, as out of some Duty incumbent on him, to a successful Invader, but the express Command of God for his so doing: and if it be not true, then it was but the Political Act of a Person in his Station, to save himself and his Nation, by meeting his Enemy in the way: The worst that could befall both was but Death, and who knew, but a Submission might prevent the Blow: and so amounting to no more than what might have been indifferently done, or not done, had both been equally safe, cannot be truly drawn in Precedent to any other Nation.

But say, it were not a Political Interest; he knew he had sworn one Allegiance to *Darius*, who tho' he had lost a Battle, and was fled himself, had not yet received his last overthrow, and who knew but he might return again, and then, what would become of him, if he swore another to *Alexander*: On the other hand; there was (*Hannibal ad portas*) *Alexander*, and his Fortune within a small March of him, and to have refused him Allegiance a second time, he had been certainly lost; so that it seems more probable, than otherwise, that he did it out of Fear: That Fear, that makes every thing look bigger than it is, and betrays the Succour that Reason of-17 *Wisd.* *fereth*: And if he did it out of Fear, of what example is <sup>12</sup>. that unto others? but that he did it so, appears from the Story, which says, he was afraid, not knowing how to gain the

the Favour of *Alexander*, who was displeas'd with him, as having heretofore disobey'd him: And herein I agree with the Doctor, That his care was how he might atone for his former Contumacy, by an early Submission to a provok'd Conqueror. Which he might have as well said in other Words, He saw which way the Wind went, and set his Sails to it. Add to this, a kind of overdoing in the case, for he gave him a most Royal Entertainment, directed him (an Idolater) to offer Sacrifice, &c. After which, it is not to be wondred why *Alexander* indulg'd to them their Liberty of Conscience (in not forcing his Rites upon them, but permitting them to live according to the Laws of their Forefathers) or that the People so readily complied to make him Recruits. In short, be it what it will, it was but the particular Act of a particular Man, in his own Nation; and if every Act of the High-Priests of the Jews, should be drawn into Precedent, we should have fine work of it. The *Israelites* were no sooner inclined to Idolatry, than *Aaron* fashioned them a Golden Calf; nor had the People sooner said, *These be thy Gods O Israel!* than he built an Altar before it, and proclaimed a Feast to the Lord. And *Abiathar*, contrary to the Oath of *David*, that *Solomon* should reign after him, joined with *Joab*, and set up *Adonijah*. And yet, I think the Doctor will not say, either of these Acts were imputed to them for Righteousness; much less then are they of example to others; especially, in those Nations, where Men judge by Laws, not Examples.

Lastly, the credit of this particular Act, depends singly on *Josephus*, whom also the Doctor confesses to be the only Relater of it. That *Josephus* was a noble, learned Jew, is not oppos'd; but that there are many things in him, *Legenda cum venia*, will (as I shall shew presently) be hardly denied. He had the advantage of writing his own Story, of a superstitious, fabulous People, apt to swallow every thing themselves, and as forward to faist it on others, insomuch, that at the time when *Josephus* wrote his History, they were become ridiculous for both:—*Credat udaeus Apella!* saith *Juvenal*: And again,

*Qualiacumq; voles Judaei somnia vendem.*

And therefore, who knows but *Josephus* might use some such little Art here, whereby (in the Example of *Alexander*)

to

to incline *Titus* (his Patron) to be favourable to the small remains of his Nation ? or who knows but he might have taken it by Tradition, himself ? Especially, when speaking of the *Israelites* passing the Red Sea, he says, he declares it as he found it in Holy Scripture ; but says not a word where he had this Act of *Jaddus* : and whether he is not (in some things) to be read with favour ; witness this very passage of the *Israelites*, where, in endeavouring to make it probable, he loses the Miracle : “ (Neither (says he) ought any Man to “ marvel, whether it were done by the Will of God, or by *Amig. l. 2.* “ chance ; since not long time ago, God so thinking it good, the “ Sea of *Pamphylia* divided it self, to give way to *Alexander*, “ King of *Macedon*’s Army, having no other way to destroy “ the *Persians*.) As also speaking of the Sun’s standing still in the time of *Joshua* : “ This day, saith he, (the like of *Amig. l. 5.* “ which was never heard before) was lengthened, left by “ the speedy approach of Night, the Enemy might escape : “ Whereas the Text says, *The Sun stood still in the midst of Hea. Jos. 10. 13* “ ven, and hastened not to go down (spatio unius diei) by the space of one day : But because a whole day might seem too much, he put it by the word *Lengthened*, which he left to every Man to interpret for himself, as perhaps, an hour, or so. I might add further, but that I think this sufficient, to prove that this Story of *Jaddus* (having but the credit of such a single Relater) may be mistaken.

I’ll close all, with a good fancy of an old *Platonick* : That the Gods, which are above Men, had something whereof Man did partake (Intellect and Knowledge) and the Gods kept on their Course quietly : The Beasts, which are below Man, had something whereof Man did partake (Sense and Growth) and the Beasts liv’d quietly in their way : But Man had something in him, whereof neither Gods nor Beasts did partake, which gave him all the Trouble, and made all the Confusion in the World, and that is Opinion. And therefore till Men shall truly apply their Learning ; (that is) instead of making clear things doubtful, make doubtful things clear, there may be an end of the World, but till then, no end of Opinion.

F I N I S.